

Costs Decision

Site visit made on 7 January 2020

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 February 2020

Costs application in relation to Appeal Ref: APP/A5840/W/19/3239195 16 Denmark Hill, London SE5 8RZ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Aamir Majeed for a full award of costs against the Council of the London Borough of Southwark.
 - The appeal was against the refusal of the Council to grant planning permission for a change of use from A1 to A3 restaurant.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Paragraph 047 of Planning Practice Guidance indicates that local planning authorities will be at risk of an award being made against them if they provide information which is shown to be "manifestly inaccurate or untrue".
4. The application for costs in this case was made by the appellant on the basis that the Council's assessment of the proportion of units in A1 use within Protected Shopping Frontage 24 (the PSF) within Camberwell District Town Centre was inaccurate, and that planning permission should not therefore have been refused.
5. For reasons set out in my main decision, I consider that the appellant's assessment of A1 uses within the PSF was itself inaccurate, and based on a misunderstanding of the relevant policy. The Council's assessment of the A1 uses within the PFS was accurate, and supported by observations I made at the time of my site visit.

Conclusion

6. I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has not been demonstrated.

M Cryan

Inspector