
Costs Decision

Site visit made on 10 September 2019

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2020

Costs application in relation to Appeal Ref: APP/N5660/W/19/3225699 166 Weir Road, London SW12 0NP

- 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 Udhyam Amin, Cashco UK Ltd for a full award of costs against the Council of the London Borough of Lambeth.
 - The appeal was against the refusal of planning permission for the demolition of existing retail warehouse, yard and associated outbuildings (Use Class B8) and the provision of 8 residential units (Use Class C3) with associated landscaping works.
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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. The application for costs relies on substantive matters relating to the planning merits of the appeal. The appellant cites that the Council has provided vague, generalised or inaccurate assertions in respect of the proposal's impact, in particular in regard to the harm to the streetscene and the proposal amounting to overdevelopment of the site.
4. In respect of the merits of the case, whilst I have concluded that the scheme would be acceptable and would not cause harm to the character and appearance of the area and the living conditions of neighbouring occupiers, I do not consider that the Council was unreasonable in reaching a different conclusion. The information submitted by the Council adequately substantiates its case and outlines why it was considered that the scheme was unacceptable. I do not consider the reasons provided to be vague or unsubstantiated. It is clear that the Council had regard to the visual appearance of the proposed development in the context of the existing terrace of properties, as well as the relationship to the existing dwellings.
5. Whilst I do not agree with the opinions, I do not consider that this stance was an unreasonable one for the Council to take. The matter of the acceptability of the proposal was considered in light of the policies of the adopted plan. It is clear from the submitted information that the Council considered there to be unacceptable effects and that this was the professional opinion reached and a matter of planning judgement for the decision-maker. In light of this, clearly

the Council considered the scheme to be contrary to adopted policy in this respect.

6. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

Martin Allen

INSPECTOR