



Costs Decision

Site visit made on 23 June 2020 by C Brennan BAE (Hons) M.PLAN MIPI

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2020

**Costs application in relation to Appeal Ref: APP/N5660/D/20/3244209
21 Thirlmere Road, London SW16 1QW**

- The application is made under the Town and Country Planning Act 1990 as amended, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Ms Jemima Ward for a full award of costs against the Council of the London Borough of Lambeth.
 - The appeal was against the refusal of the Council to grant permission for erection of front garden wall and formation of parking bay and associated vehicular crossover.
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Decision

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

Application Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the application.

Reasons for the Recommendation

3. The Planning Practice Guidance ("PPG") advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably where this has directly caused another party to incur unnecessary or wasted expense in the appeal process. The PPG also states that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to procedural matters at appeal or with respect to the substance of the matter under appeal.
4. The applicant states that they are seeking an award of costs on the basis that the Council behaved unreasonably by refusing their application, and that they have incurred unnecessary expense by having to prepare and submit an appeal as a result. However, no further explanation is given as to why they consider the Council's behaviour to be unreasonable. Indeed, I consider that the Council were sufficiently clear in their reasons for refusal, as well as in their detailed reasoning included in the delegated report, and although I have come to a different view on some aspects, their decision was not an unreasonable one to reach. As such, although the appellant has spent money on the appeal, this has not resulted from unreasonable behaviour on behalf of the Council.

Conclusion and Recommendation

5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. As such, for the reasons given above and having had regard to all other matters raised, I recommend that the application for a full award of costs should be refused.
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C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

6. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the application for costs is refused.

Andrew Owen

INSPECTOR