



Costs Decision

Site visit made on 8 December 2020 by Thomas Courtney BA(Hons) MA

Decision by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2021

Costs application in relation to Appeal Ref: APP/C5690/W/20/3256896 117 Courthill Road, Hither Green, London, SE13 6DW

- 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 Peter Braun for a partial award of costs against the Council of the London Borough of Lewisham.
 - The appeal was against the refusal of planning permission for the change of use of part ground floor from public house (class A4) to HMO (sui generis).
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Decision

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

Reasons

2. The Planning Practice Guidance advises that, irrespective of the outcome of the appeal, 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. It goes onto state that local planning authorities are at risk of an award of costs if they behave unreasonably with regard to the substance of the matter under appeal, by preventing development that should clearly be permitted having regard to its accordance with the development plan, national policy and other material considerations.
4. The applicant states that the Council's decision to refuse the change of use was not fully justified as the operating conditions and future viability of the public house have not been adversely impacted. In my view, the Council accurately assessed the proposal and reasoned their decision adequately and with sufficient evidence by referring to past decisions at the site and their corresponding floor plans. It was therefore not unreasonable for the Council to come to the view that the change of use had resulted in a net loss of public house floorspace, whether this floor space formed part of the pub floor accessible to customers or whether it was office or storage space.
5. Furthermore, the applicant opines that the submission of marketing evidence is not required or justified because there has not been a loss of the public house. As the Council considered the loss of floorspace would lead to the loss of a viable pub, the request for marketing evidence was reasonable and in-line with existing and emerging policy.
6. The Council's officer report was clear and addressed all the issues at hand with justified reason. I therefore find that unreasonable behaviour resulting in

unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Consequently, the application for an award of costs is refused.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

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

Andrew Owen

INSPECTOR