

Costs Decision

Site visit made on 9 June 2021

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2021

Costs application in relation to Appeal Ref: APP/N5660/W/20/3260975 2 Cavendish Parade, Clapham Common South Side, London SW4 9DW

- 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 Ms A Alachbili for a full award of costs against the Council of the London Borough of Lambeth.
 - The appeal was against the decision of the Council to grant, subject to conditions, planning permission for "Change of use from retail to a Beauty Salon and Nail Bar (Use Class 'Sui Generis') and installation of 2 air-condition units to the rear elevation (part retrospective)".
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Decision

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

Reasons

2. The Planning Practice Guidance (the PPG) sets out that parties in planning appeals are expected to behave reasonably. It goes on to say that where a party has behaved unreasonably, and that unreasonable behaviour has caused unnecessary or wasted expense in the appeal process, they may be subject to an award of costs. The PPG sets out examples of behaviour which may give rise to an award of costs against the Council.
3. The applicant suggests that the Council has behaved unreasonably because the condition against which they are appealing does not meet the tests in the PPG and the National Planning Policy Framework (the Framework), and that as a result, unnecessary costs were incurred in the making of the appeal. The applicant also states that the issue of cycle storage was not raised during the application process.
4. The Council claims that the condition meets the tests, and that it was not challenged during the application process. They also note that delays in the determination of the application, including extensions of time, were in the spirit of collaboration encourage by the Framework.
5. The merits of the appeal, with regard to the relationship of the condition to the tests, are covered in my main Decision. Turning to the allegation of the applicant that the issue of cycle parking was not raised during the application process, I note that consent was given to the imposition of this pre-commencement condition prior to determination, so cannot agree with this proposition. I am also satisfied that the actions of the Council with regard to extensions of time, and indeed, deferring matters of detail around cycle parking to a condition, were reasonable.

Conclusion

6. I therefore find that during the appeal the Council did not demonstrate any behaviour which could be considered unreasonable in the terms of the PPG, and which then resulted in unnecessary or wasted expense on the part of the applicant.
7. The application for an award of costs is therefore refused.

S Dean

INSPECTOR