

Costs Decision

Site visit made on 7 June 2021 by Ben Phillips BSc MSc MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2021

Costs application in relation to Appeal Ref: APP/ C5690/W/21/3268681 284a Lee High Road, London SE13 5PJ

- 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 P Ashcroft for a full award of costs against the Council of the London Borough of Lewisham.
 - The appeal was against the refusal of planning permission for alterations and extensions to the roof to form a one-bed self-contained residential (C3) flat.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) makes it clear that parties in planning appeals normally meet their own expenses. It also sets out that costs may only be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. It states that unreasonable behaviour may include failure by the planning authority to substantiate a stated reason for refusal of planning permission.
3. It was not unreasonable for the Council to rely on PTAL ratings for the assessment of the public transport accessibility of a location as these are widely accepted and used in the London Plan (2021). However, it did not have regard to other accessibility factors such as the location of other facilities and services, which are also mentioned in the London Plan. Nevertheless, I have reached a similar conclusion to the Council having had regard to all of the information before me on those matters. As such, I find no unreasonable behaviour incurring wasted expense has been demonstrated in this respect.
4. In terms of the floorspace requirements, the Council addressed this in the delegated report and appeal statement and made reference to the additional garden space set out by the appellant. It's reasoning was based on policy requirements and clearly explained why those requirements were not met. Therefore, I am satisfied that this issue was adequately substantiated.
5. Finally, the Council detailed the requirements for homes in the area in the delegated report and the appeal statement. Although not explicitly undertaken in the officer report, a planning balance was nevertheless carried out in the Council's appeal statement. Weight was given to the additional unit of accommodation and the importance of increasing housing supply and small sites is acknowledged. Therefore, I am satisfied that the Council had regard to these material considerations and drew robust and clearly reasoned conclusions

based on the evidence. While the appellant disputes the amount of weight that should have been given to these material considerations, that was a matter for the decision maker. As such, the Council substantiated its case and did not act unreasonably in this respect.

Conclusion

8. In light of the foregoing I find that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated. I recommend that an award of costs is not justified in this case.

B Phillips

APPEALS PLANNING OFFICER

Inspector's Decision

9. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that an award of costs is not justified in this case.

L McKay

INSPECTOR