



Costs Decision

Hearing held on 7 September 2021

Site visit made on 8 September 2021

by Joanna Gilbert MA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2021

Costs application in relation to Appeal Ref: APP/N5660/W/19/3238907 294-298 Norwood Road, London, SE27 9AF.

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Anthony Thomas for an award of costs against the London Borough of Lambeth.
 - The hearing was in connection with an appeal against a failure to give notice within the prescribed period of a decision on an application for planning permission for erection of a part two, part three and part four storey building to provide 4 art studios (Use Class B1c) and 1 residential unit (1 x 1-bed) (Use Class C3) at the ground floor and 8 residential units above (2 x 1-bed and 6 x 2-bed) (Use Class C3) together with provision of refuse and cycle storage and landscaping plus installation of solar panels.
-

Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and therefore caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour may be procedural and/or substantive. In this instance, the applicant refers to the Council's failure to determine the planning application having forced the applicant to resort to the appeals system, thereby incurring unnecessary cost and delay.
3. The PPG also confirms that the costs regime aims to encourage all those involved in the appeal process to behave in a reasonable way and follow good practice, in terms of timeliness and in the presentation of full and detailed evidence to support their case. It goes on to state that it encourages local planning authorities to properly exercise their development management responsibilities, to rely only on reasons for refusal which stand up to scrutiny on the case's planning merits, and not to add to development costs through avoidable delay. It discourages unnecessary appeals by encouraging all parties to consider a revised planning application which meets reasonable local objections.
4. The main parties submitted their cases in writing and there is no need to repeat them in full. The applicant submitted their appeal on the grounds of non-determination on 10 October 2019. The Council issued its putative reasons for refusal on 18 October 2019. However, it is clear from the documentation

before me that the appellant had been in communication with the Council and knew that the application was likely to be refused. It is also evident from the Council's putative reasons for refusal that there were reasonable grounds for withholding planning permission, notwithstanding the progress which was subsequently made in reaching agreement on two of those putative reasons in the intervening time. It will be seen from the accompanying appeal decision that I take a similar view to the Council. While I note the applicant's frustration at the time taken to process the application, I find that unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. Therefore, no award of costs is made.

Conclusion

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

Joanna Gilbert

INSPECTOR