

Costs Decision

Site visit made on 15 November 2021

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 February 2022

**Costs application in relation to Appeal Ref: APP/X5210/Y/21/3275798
8 Park Village West, London NW1 4AE**

- 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 Vardile Commercial Inc. for a full award of costs against the Council of the London Borough of Camden.
 - The appeal was against the refusal of listed building consent for works described as 'retrospective application for internal works comprising the installation of electrical spurs within chimney breasts and ceiling downlighters'.
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of an 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. The applicant alleges that, beyond its single reason for refusal, the Council has failed to give greater precision as to the reason for refusing listed building consent. In doing so, the applicant infers that the Council's decision was not well-founded and that it has failed to substantiate its reason for refusing consent.
4. The PPG makes it clear that a local planning authority will be at risk of an award of costs being made against them if they fail to produce evidence to substantiate each reason for refusal or by preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
5. The Council's decision notice sets out a single reason for refusing listed building consent which identifies the lights and sockets as being harmful to the internal and external character of the listed building. Reference is also made to the relevant policy of the Camden Local Plan 2017.
6. While there appears to have been a delay in publishing the Council's delegated report and providing a copy to the appellant, I can see that it clearly sets out the Council's reasoning for why listed building consent was refused. Furthermore, as part of the appeal proceedings the Council has submitted a statement of case to support, and amplify, its reason for refusing consent. Whilst the applicant may not agree with the Council's conclusions in these respects, this does not mean that the Council acted unreasonably in its assessment of the works.

7. Without repeating my reasoning here, it can be seen from my appeal decision that I agree with the Council's decision in relation to the impact of the recessed spotlights, which I have found to be harmful to the special interest of the listed building. Therefore, there were sufficient grounds to refuse consent on this basis. It follows, therefore, that I am satisfied that the Council has shown that it was able to substantiate its reason for refusal.
8. Accordingly, I cannot agree that the Council acted unreasonably in this case. As such, there can be no question that the applicant incurred unnecessary or wasted expense.

Conclusion

9. I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated, and therefore an award of costs is not justified.

J M Tweddle

INSPECTOR