The Planning Inspectorate

Costs Decision

Site visit made on 27 April 2022

by Rory MacLeod BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2022

Costs application in relation to Appeal Ref: APP/A5840/W/21/3286708
Upper Floor and Roof Space, 116 Lordship Lane, London SE22 8HD

- 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 The Parkhill Group for an award of costs against the Council of the London Borough of Southwark.
- The appeal was against the refusal of planning permission for construction of an additional two storeys facing Bassano Street and Lordship Lane facades at second and third floor level to create additional residential units at second and third floors (to have a total of 7 x two bedroom apartments) with associated refuse storage and secure bicycle storage.

Decision

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

Reasons

2. Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only 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[1].

3. The applicant has submitted an invoice for incurred costs and charges for architectural services in connection with the appeal, but no explanation of how these costs arise from any unreasonable behaviour by the Council. The scheme has benefitted from pre-application discussions with the Council, but dialogue seems to have ceased on submission of the proposal. The applicant contends that the scheme does not warrant a refusal, but it will be evident from the main appeal decision that I consider the Council's case to have merit.

4. The evidence before me indicates that whilst the issues at stake in the appeal were identified at pre-application discussions, that they were not resolved. I acknowledge the applicant's frustration at the absence of a continued dialogue at the application stage. However, my findings are that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in Planning Practice Guidance, has not been demonstrated.

Rory MacLeod

INSPECTOR

[1] Paragraph 030 (Reference ID: 16-030-20140306)