
Costs Decision

Site visit made on 21 November 2022

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 25 NOVEMBER 2022

Appeal Ref: APP/C5690/W/22/3304156

Loampit Gospel Hall, 2 Undercliff Road, Ladywell, London, SE13 7TT

- 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 Mr Anthony Uzoh for a full award of costs against the London Borough of Lewisham.
 - The appeal was against the refusal of the Council to grant planning permission for the removal of existing parapets and high-level chimney stacks to address structural issues present.
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Decision

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

Reasons

2. Paragraph 030¹ of the *National Planning Practice Guidance* (PPG) advises that irrespective of the outcome of the appeal, costs may only be awarded against a party which has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Paragraph 051² of the PPG states that awards against appellants may be either procedural in regard to behaviour in relation to completing the appeal process or substantive, which relates to the planning merits of the appeal.
4. The applicant argues that the Council assessed the gospel hall as if it were a dwelling and applied residential policies incorrectly. It is also argued that the Council made its decision in the absence of a design and access statement and did not contact the applicant to investigate viability.
5. Policy 31 of the Development Management Plan, cited in the decision notice, clearly sets out the Council's expectations in relation to alterations and extensions. The Council found harm in this regard as it is entitled to do, based on its planning judgement. This policy applies to all buildings, irrespective of land use.
6. The applicant advances the argument that weight should have been given to Core Strategy Policy 19. This policy sets out to work with partners to ensure a range of community facilities are provided, protected and enhanced. However, the design and access statement does not mention viability. The arguments advanced in favour of the proposals are that the building would be more in keeping with the surrounding context and would address structural issues. As

¹ Reference ID: 16-030-20140306

² Reference ID: 16-051-20140306

such even if viability and consequently the future sustainability of community facilities had been a material consideration, there would have been no reason for the Council to assess the application on this basis.

7. Paragraph 84 (d) of the National Planning Policy Framework is concerned with supporting the rural economy and so carries no weight.
8. It appears that the design and access statement was not uploaded at application stage. However, the application form refers to structural issues so the Council would have known the reasons for the application in the absence of a design and access statement.
9. In the light of the above I conclude that there is no evidence that the Council has acted unreasonably, and consequently there is no wasted expense at appeal.

Conclusion

10. Unreasonable behaviour leading to unnecessary costs at appeal has not been demonstrated. The application for an award of costs is refused.

A Edgington

INSPECTOR