
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: 23 December 2022

Appeal Refs: Appeal A - APP/C5690/W/22/3294795 & Appeal B - APP/C5690/Y/22/3294796

25 – 27 Tranquil Vale, Blackheath, London SE3 0BU

- 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 Mehmet Bayramoglu for a full award of costs against the London Borough of Lewisham.
 - The appeals were against the refusal of the Council to grant planning permission and listed building consent for Alterations to the front of the building and rear double extension – Revised scheme to DC/20/118109.
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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 046² of the PPG states that awards against councils may be either procedural, for example by failing to comply with the requirements and deadlines of the process, or substantive, which might be refusing or failing to determine an application.
4. The applicant advances the argument that there have been procedural inaccuracies, inconsistencies and poor decision making, and a failure to fully engage in pre-application meetings.
5. The Council has refused permission for an extension that is slightly smaller than a previous application. The reasons for refusal are clearly set out in the Council's decision notice and reflect the discussion in the officer's report. I see no reason to conclude that the Council has acted unreasonably in this regard.
6. The applicant also advances the argument that although pre-application advice has been sought on three separate occasions, no formal advice was published or made available to the applicant.

¹ Reference ID: 16-030-20140306

² Reference ID: 16-051-20140306

7. PPG states that pre-application engagement *can provide an understanding of the relevant planning policies and other material considerations associated with a proposed development*.
8. It also states that a *prospective applicant should expect a clear, timely and authoritative view on the merits of a proposed development*³. Although in my experience councils send written confirmation of discussions, this does not appear to be required by the guidance. I have asked for further information with regard to the pre-application meetings and it is clear from the email trail provided by the applicant that meetings were arranged. However, I am unable to verify what was discussed.
9. Moreover, the applicant refers to the receipt of written pre-application advice in his evidence. Although I appreciate that this might have arrived too late to inform a previous application, this does not support the applicant's argument that the Council has not provided written confirmation following those discussions. Furthermore, that document has not been provided.
10. On the specific point that the applicant requested that the Council provide guidance on the size of extension that might be acceptable, the applicant also notes that in order for the premises to accommodate a specific type of business it has to be of a minimum size. On the basis of what is before me I am unable to verify what questions were asked or the Council's response. In any case, it might be the case that there is a fundamental conflict between the minimum size that the applicant considers to be reasonable, and what the Council considers acceptable. On balance I am unable to conclude that the Council has acted unreasonably in this regard.

Conclusion

11. As such, unreasonable behaviour leading to unnecessary costs at appeal has not been demonstrated. The application for an award of costs is refused.

A Edgington

INSPECTOR

³ Ref ID: 20-010-20150326