



Costs Decision

Site visit made on 13 February 2023

by F Wilkinson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st February 2023

Costs application in relation to Appeal Ref: APP/N5660/D/22/3303123 47 Tankerville Road, London SW16 5LW

- 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 Kohn for a full award of costs against the Council of the London Borough of Lambeth.
 - The appeal was against the refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a single storey rear extension.
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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 thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour may be procedural and/or substantive.
3. The applicant claims that the Council has acted unreasonably in that it wrongly applied/interpreted the limitations in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO); refused to engage with the applicant with a view to inviting them to re-apply and assuring that the reason for refusal would not be repeated; and failed to produce evidence to substantiate its reason for refusal.
4. It will be seen from my decision that I agree with the Council's interpretation of the GPDO in terms of the requirements of paragraphs A.1(j)(iii) and A.1(ja) of Schedule 2, Part 1, Class A being applicable to the proposal. Although I have come to a different view as to the interpretation of paragraph A.1(j)(iii) and therefore paragraph A.1(ja), in my view the Council was not unreasonable in its interpretation and therefore on the position that it took on the application.
5. I note the email correspondence with the Council following its decision on the proposal. While the comments were brief, the Council officer nevertheless did engage with the applicant and provided a response to their request for clarification on the reason for refusal.
6. The Council's officer report sets out why it concluded that the proposal would not be permitted development. It is brief but nevertheless establishes its reasoning. I acknowledge that the wording used in the officer report to describe the rear projection that has a side wall could have been clearer.

However, further clarity was provided by the Council in its email to the applicant's agent dated 4 July 2022. In my view, the Council has provided a proportionate explanation for its reason for refusal.

7. For these reasons, I do not find that the Council has acted unreasonably in this case. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

F Wilkinson

INSPECTOR