



Costs Decision

Site visit made on 18 January 2023

by L J O'Brien BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 April 2023

Costs application in relation to Appeal Ref: APP/N5660/W/21/3289728 Horse & Groom, 122-124 Westminster Bridge Road, London, SE1 7RW

- 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 Raag Westminster Hotel Ltd for a full award of costs against the London Borough of Lambeth.
 - The appeal was against the refusal of extension of the existing building and part change of use to Class C1 hotel accommodation to provide 32 hotel bedrooms, external alterations to the facade, and associated works (The Proposal) (LPA reference 21/03211/FUL) at 122-124 Westminster Bridge Road, London SE1 7RW (The Site).
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Decision

1. The application for a full 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. The PPG also states that examples of unreasonable behaviour by local planning authorities includes 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.
3. The PPG indicates that costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceeding, however, behaviour and actions at the time of the planning application can be taken into account in the Inspector's consideration of whether or not costs should be awarded.
4. The applicant's claim for costs is on the basis that the Council incorrectly failed to weigh the benefits of the proposal in coming to its decision, in accordance with the Framework and national guidance. The applicant therefore considers that they incurred unnecessary and wasted expense in the cost of preparing the appeal papers and evidence in respect of planning, heritage and design matters.
5. Whether or not a proposal would cause harm to the character and appearance of an area is a matter of planning judgement. The Council has clearly set out their reasons for considering that the proposal would cause harm in this regard and have reached a judgement in the way they are entitled to.
6. The Council, in accordance with National Policy, has subsequently proceeded to consider whether the harm to the heritage asset would be outweighed by the

public benefits of the scheme. The Council's assessment in this regard is set out in paragraph 7.18 of the Planning Officer's Report. I note that the applicant considers this assessment to be flawed and has identified additional benefits to those set out explicitly by the Council at application stage. However, the evidence before me clearly indicates that a consideration of the public benefits of the scheme has occurred and the Council have reached a judgement in this regard.

7. Furthermore, the Council's assessment of the public benefits of the proposal has been further explored, and substantiated, at appeal stage and their conclusion has remained the same.
8. Though the applicant clearly disagrees with the Council's assessment, the reasons behind the Council's decision are clearly set out and a matter of judgement. In my view evidence to substantiate the reason for refusal was provided and was supported by objective analysis. Accordingly, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme. As such, I do not consider that the appeal could have been avoided.

Conclusion

9. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary or wasted expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is not justified.

L J O'Brien

INSPECTOR