



Costs Decision

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH JP

an Inspector appointed by the Secretary of State

Decision date: 9th June 2023

**Costs application in relation to Appeal Ref: APP/N5660/X/22/3296216
100 Knight's Hill, London SE27 0JL**

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Manisha Patel for a full award of costs against the Council of the London Borough of Lambeth.
 - The appeal was against the refusal of a certificate of lawful use or development (LDC) for a single family dwelling.
-

Decision

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

Reasons

2. The Planning Practice Guidance 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.
3. The applicant says that the Council acted unreasonably in when determining the LDC application by basing their decision on an implausible interpretation of a part of planning statute. However, it is clear from my Decision on the dismissed appeal that I find the Council's decision to refuse to grant the LDC to be well-founded and based on an entirely correct interpretation of planning law. There is therefore nothing unreasonable in the way it determined the application, or in the reasons it gave for refusing to grant a certificate.
4. The applicant says that the Council did not provide a statement in the appeal. However, it chose to deal with the main issue in the appeal by way of submitting its officer report on the LDC application and I find that not to have been an unreasonable response to the appeal made.
5. Costs can only be awarded in relation to unnecessary or wasted expense relating to the appeal before me. The applicant acknowledges this is his costs application¹. Accordingly, notwithstanding further contextual comments he makes, I think it is appreciated that I cannot consider costs awards in relation to earlier LDC applications or in respect of the issued enforcement notice.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Andrew Walker

INSPECTOR

¹ "...costs are sought specifically and only in relation to this appeal"