



Costs Decision

Site visit made on 27 November 2023

by N Thomas MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2023

Costs application in relation to Appeal Ref: APP/N5660/X/23/3319486 115 St. Julians Farm Road, LONDON, SE27 0RP

- 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 Fairlie Properties Ltd for a full award of costs against London Borough of Lambeth.
 - The appeal was against the refusal of a certificate of lawful use or development for use as a single dwellinghouse.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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.
3. The PPG sets out examples of behaviour that may lead to an award of costs with respect to the substance of the matter under appeal. This includes preventing or delaying development that should clearly be permitted, failure to produce evidence to substantiate the reason for refusal, vague, generalised or inaccurate assertions about a proposal, acting contrary to well-established case law, and not reviewing their case promptly following the lodging of an appeal.
4. While I recognise that the Council has questioned the status of the appellant's supporting statement, the appeal turns on legal matters. It is clear from my decision that the Council has not failed to correctly apply case law or to understand legal principles. The Council has explained the reasons for its decision, and as I have dismissed the appeal it follows that the Council has not acted unreasonably in refusing the application.
5. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

N Thomas

INSPECTOR