



Costs Decision

Site visit made on 15 January 2024

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2024

**Costs application in relation to Appeal Ref: APP/C5690/C/23/3317255
Land at Unit 1 (being the ground floor commercial unit), Isabella
Apartments, 102 Granville Park, London SE13 7DU including land to the
north of the building, as shown outlined and hatched in black on the
attached plan**

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by the Council of the London Borough of Lewisham for a partial award of costs against Ms Evrim Yilmaz .
 - The appeal was against an enforcement notice alleging without planning permission, the installation of an extraction system.
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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. An application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
3. The PPG confirms that the aim of the costs regime is, amongst other things, to encourage all involved in the appeal process to behave in a reasonable way and follow good practice, both in terms of timeliness and in the presentation of full and detailed evidence to support their case.
4. The Council claims that the appellant acted unreasonably in terms of both procedural and substantive matters when proceeding with the appeal on ground (g), in so far as they have not had any engagement from the appellant to resolve the breach through negotiation. It is further stated that the 8 months requested is longer than that previously stated by the appellant in the refused planning application, where only 1 month was considered necessary. The Council also state that the appellant has failed to adhere to the appeal timetable and provide justification to support their appeal on ground (g), and therefore they have spent time and incurred wasted expense in dealing with this appeal.

5. No justification was provided by the appellant at the appeal statement stage. Notwithstanding this, some evidence has been provided in support of their appeal during the appeal process and therefore, their appeal is not unsubstantiated. I appreciate that this evidence was submitted late at the final comment stage. Nevertheless, the ground of appeal (g) is relatively straightforward, and a statement would have been provided by the Council in any case. Therefore, whilst it was unreasonable of the appellant to provide this supporting evidence late in the process, I do not consider that this has resulted in any additional wasted expense.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, the Council's claim for costs fails.

R Satheesan

INSPECTOR