



---

## Costs Decision

Site visit made on 28 October 2024

**Colin Cresswell BSc(Hons), MA, MBA, MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 12 November 2024**

---

### **Costs application in relation to Appeal Ref: APP/N5660/W/24/3346933 53 Cavendish Road, LONDON, SW12 0BL**

- 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 Princes Mews Investments Ltd for a full award of costs against the Council of the London Borough of Lambeth.
  - The appeal was against the refusal of planning permission for change of use and conversion Class E to Class C3.
- 

### **Decision**

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

### **Reasons**

2. The appellant stated in his evidence that a fallback position existed as the building could have been converted to residential use by virtue of Schedule 2, Part 3, Class MA of the GPDO<sup>1</sup>. Indeed, the Council subsequently granted prior approval for this on 2 October 2024.
3. However, the prior approval was granted after the parties had submitted their evidence for the appeal. When the Council prepared its Appeal Statement it could not have been automatically assumed that the fallback position would be approved. Schedule 2, Part 3, Class MA of the GPDO is subject to numerous conditions (as set out in paragraph MA.2.) which includes transport impacts. The Council could not have been certain that these conditions would be met until the prior approval application had been determined. Hence, the Council acted reasonably in not giving weight to the potential fallback position.
4. The appellant also argues that the Council mis-interpreted Annex 9 of the Lambeth Local Plan and incorrectly applied Policy D4. However, in my main Appeal Decision I set out reasons why, in my view, the Council took the correct approach. I therefore consider that the Council acted reasonably in its consideration of this matter.
5. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.

*C Cresswell*

INSPECTOR

---

<sup>1</sup> Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).