



Costs Decision

Site visit made on 23 January 2025

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2025

Costs application in relation to Appeal Ref: APP/C5690/W/24/3351781 135 Minard Road, Lewisham, London SE6 1NN

- 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 TEE Estates for a full award of costs against the Council of the London Borough of Lewisham.
 - The appeal was against the refusal of planning permission for the erection of a 3m ground floor rear extension.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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 applicant's submission relies on the Planning Committee failing to accept the recommendation of the planning officers to grant planning permission. Members of a Planning Committee are not bound to accept the recommendations of their officer but the PPG states that local planning authorities are at risk of an award of costs if they fail to produce evidence to substantiate each reason for refusal, and if they rely on vague, generalised or inaccurate assertions about a proposal's impact.
4. The Council's decision notice sets out two reasons for refusal, but no further reasoning has been provided, including in the reference to minutes of the Planning Committee meeting. The report to Planning Committee however clears set out an analysis of the rear extension subject of the appeal, and its acceptability in relation to the character and appearance of the host dwelling and on the living conditions of the occupiers of neighbouring properties. Given the clear recommendation within this report to Planning Committee, the Council should have set out why it had reached a different overall conclusion to the recommendation of its officers. The refusal reasons have not been substantiated and the lack of any analysis beyond that in the decision notice is unreasonable behaviour.

Conclusion

5. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a full award of costs is therefore warranted.

Costs Order

6. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the Council of the London Borough of Lewisham shall pay to TEE Estates, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.

The applicant is now invited to submit to the Council of the London Borough of Lewisham, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

F Rafiq

INSPECTOR