



Costs Decision

Site visit made on 21 August 2025

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd September 2025

Costs application in relation to Appeal Ref: APP/C5690/W/25/3362568 North of Honor Oak Station, West of Grierson Road, London SE23 1PE

- 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 Mr Joe Hopkins of Cellnex Connectivity Solutions Limited for a partial award of costs against the Council of the London Borough of Lewisham.
 - The appeal was against a refusal to grant approval for an 8.1m monopole mast with four attached antennas and a ground based equipment cabinet on steel mesh grillage.
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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. There are several strands to the applicant's case for an award of costs. These relate to substantive grounds. In summary, the applicant sets out that the Council acted unreasonably in preventing development that should otherwise have been permitted, failed to determine applications in a consistent manner, failed to engage in post-decision communication and failed to produce evidence to substantiate reasons for refusal.
4. While I have disagreed with the Council's first reason for refusal, I am of the view that the Council was entitled to come to the conclusion that it did in respect of the interpretation of the General Permitted Development Order. The reasons for refusal set out in the decision notice for the application are sufficiently complete, precise, specific, and relevant to the application. In my view, the reasons for refusal were adequately substantiated by the Council in its officer report, even if no further statements were provided as part of the appeal.
5. As set out in the main decision, I am aware of a series of other applications for prior approval that have been accepted within the borough. Without any substantive evidence to demonstrate that these are wholly comparable in terms of their site contexts and planning balance, I am unable to conclude that the Council has been unreasonable in this regard. In any case, even if the Council had found matters relating to the base area acceptable, this would not have led to an alternative decision in respect of siting and appearance.

6. The applicant sets out issues relating to communication with the Council. I acknowledge the frustration in this respect. However, I have no substantive evidence before me in respect of pre-application requests post-decision. In any case, this would not have altered the outcome of the application.
7. Overall, it is my view that the application for costs essentially relates to a disagreement about legitimate matters of planning judgement and interpretation. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

A Price

INSPECTOR