



Costs Decision

Site visit made on 20 August 2025

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 September 2025

Costs application in relation to Appeal Ref: APP/C5690/W/25/3360584 119 Waters Road, Lewisham, London SE6 1UH

- 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 Arif for a full award of costs against the Council of the London Borough of Lewisham.
 - The appeal was against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for erection of a single-storey rear extension.
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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 goes on to provide examples of unreasonable behaviour by local planning authorities, which include amongst other things failure to produce evidence to substantiate a reason for refusal or refusing to provide reasonably requested information, when a more helpful approach would probably have resulted in the appeal being avoided altogether. Acting contrary to, or not following, well-established case law may also amount to unreasonable behaviour.
4. The appellant contends, in summary, that when assessing the application, the Council did not have any evidence to contradict the appellant's submission and also that they behaved inappropriately by not assessing the application in line with relevant legislation.
5. The application was for a determination as to whether prior approval is required for a rear extension exceeding the limits in Schedule 2, Part 1, Class A, paragraph A.1(f) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), but allowed by paragraph A.1(g) of the same Class. In that Class, paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply – or that the developer has provided insufficient information to enable the authority to establish whether the proposed development complies – with the conditions, limitations or restrictions that are applicable to such permitted development.

6. Paragraph A.4(3) places an onus on the developer to ensure that the application includes sufficient information for that judgement to be made. In this particular case, the question of whether a rear outrigger forms part of the original dwelling for purposes of the GPDO was a matter of judgement, which the Council was entitled to make based on the information submitted with the application. They concluded that insufficient information had been provided to establish whether the outrigger was part of the original dwelling as defined in the GPDO, and therefore whether the proposed development complies with a relevant limitation in paragraph A.1(j) of Class A. I have reached the same conclusion.
7. The GPDO is the relevant statutory instrument setting out how the application should be considered and does not require that the Council produce evidence to contradict the appellant's submission. Neither section 192 of the Town and Country Planning Act 1990 (as amended), relating to applications for a Lawful Development Certificate (LDC), nor the PPG relating to the LDC process are applicable to the application in question.
8. The Officer Report gives only very brief consideration to the status of the rear outrigger. It appears from correspondence following the Council's decision that internal reference material such as aerial imaging, historical Ordnance Survey maps and the Council's internal GIS mapping system had been referred to before the Officer recommendation was made. That could helpfully have been explained in the Report and the relevant information made available to the appellant. Nevertheless, the same correspondence indicates that those internal information sources also did not conclusively determine the originality, or otherwise, of the outrigger. Consequently, there is no clear evidence that providing that information would have affected the outcome of the application or avoided the appeal.
9. Following its decision, the Council did advise the appellant of additional forms of evidence which could be included in a revised application, with a view to resolving the issue. As such, they did provide guidance on an alternative route forward, which may have resulted in the appeal being avoided. Furthermore, the costs regime does not extend to costs outside the appeal process, such as submission of a revised planning application or consequential costs while a property awaits refurbishment.
10. For the reasons given above, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Jane Smith

INSPECTOR