
Costs Decision

Site visit made on 30 September 2025

by **F P Tinsley MA (Hons) MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 January 2026

Costs application in relation to Appeal Ref: APP/N5660/W/25/3369683 12 Claylands Road, Lambeth London, SW8 1NZ

- 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 Hannah Durning-Capella and Harry Low against the decision of the Council of the London Borough of Lambeth.
 - The appeal was against the refusal of planning permission “Full Planning Permission for the amalgamation of two existing residential flats to form one family dwellinghouse, including new and replacement windows and doors and reduction of an existing chimney stack.”
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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. Notwithstanding the previous decisions referenced in the case and the High Court judgment, each planning application must be assessed on its individual merits. I am satisfied that, although the Council reached a different conclusion to my own regarding the proposal, it did not act unreasonably in refusing permission for the development. The context for the proposal was different, specifically in relation to the results of the latest Housing Delivery Test. It is not unreasonable that the Council considered this a material change in circumstances, justifying refusal of the proposal in this instance.
4. I am not persuaded that the Council failed to have regard to the correct interpretation of policy established by previous relevant decisions. The fundamental issue in this case is the weight to be attached to the results of the latest Housing Delivery Test within the planning policy context. The Council’s conclusions in this regard were clearly articulated and not unreasonable, although they differed from my own. I therefore do not find unreasonable behaviour in this respect.
5. Issues regarding the provision of a family home and compliance with the Nationally Described Space Standards (NDSS) were addressed by the Council. The Council was not unreasonable in challenging the size of the small bedroom in the context of NDSS standards, and its conclusions about the implications for delivering a family

home were logical. Notwithstanding this, I reached a different conclusion on the matter.

6. I have not been provided with compelling evidence that the planning application was not properly considered by the Council. It is not a requirement that a site visit be undertaken for every application. In this case, the Council clearly had an in-principal objection to the scheme, and a site visit would likely have had limited bearing on this position. It is also not a requirement for the applicant to be advised of the Council's intention to refuse planning permission, nor for them to be given an opportunity to discuss the proposal further. I have not been presented with evidence that the failure to engage in pre-application discussions had any impact on the Council's determination of the application.

Conclusion

6. In view of the above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, an award of costs against the Council is not justified.

F P Tinsley

INSPECTOR