



Costs Decision

Site visit made on 20 January 2026

by **L Reid BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5th February 2026

Costs application in relation to Appeal Ref: APP/C5690/W/25/3374887

86 Doggett Road, Lewisham, London SE6 4QA

- 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 Gable Blue Ltd for a partial award of costs against the Council of the London Borough of Lewisham.
 - The appeal was against the refusal of planning permission for the change of use of the existing dwellinghouse (Use Class C3b) into a 5-bed HMO (House of Multiple Occupation) (Use Class C4), together with the provision of cycle and bin storage in the front and rear garden.
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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 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. Local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example by unreasonably defending appeals.
3. The applicant claims that the Council behaved unreasonably by deciding the application based on misinterpreted evidence, failing to remedy the error prior to the appeal and providing retrospective justification of an unsound decision.
4. The Council incorrectly identified the location of the appeal site to be within a local area that had a predicted concentration of 10-20%, which they considered to indicate an overconcentration of HMOs. Although the Council maintains that the proposal would not have been approved even if the mapping error had been identified beforehand, the applicant has had to submit the appeal based on what the Council decided the application on, and that was incorrect data. By relying on incorrect information and continuing to defend their reasoning, the Council has acted unreasonably and the appellant has had to incur the expense of preparing their case to respond to the Council's error.
5. Although the reasoning in the Officer Report cites the Lewisham HMO Review and Evidence Paper 2022, there is no clear signposting or explicit highlighting of the ward-level data or complaint figures that the Council now relies upon, which are taken from a lengthy paper. Similarly, if such data or proximity to overconcentrated areas were central to applying Policy HO8 of the Lewisham Local Plan 2025, it is expected that this would be clearly explained in the Officer Report so that the

applicant was aware of the context. The introduction of this new evidence therefore amounts to unreasonable behaviour from the Council, and the appellant has had to incur the expense of responding to it.

6. The Council's reference to planning application DC/25/141987 is irrelevant because that decision was issued after the refusal of the appeal scheme and therefore cannot justify the reasoning applied at the time the original decision was made.

Conclusion

7. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred, and a partial award of costs is therefore warranted, as this is what the applicant has applied for.

Costs Order

8. 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 Gable Blue Ltd, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in preparing the Statement of Case and Addendum Statement; such costs to be assessed in the Senior Courts Costs Office if not agreed.
9. The applicant is now invited to submit to the London Borough of Lewisham whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

L Reid

INSPECTOR