
Costs Decision

Site visit made on 20 January 2026

by **M. P. Howell BA (Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 FEBRUARY 2026

Costs application in relation to Appeal Ref: APP/C5690/X/25/3371389

Ground Floor, Unit D, Damsel House, Dragonfly Place, Lewisham, London, SE4 2FN

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr & Mrs Michael Harvey for a full award of costs against the Council of the London Borough of Lewisham.
 - The appeal was against the refusal of a certificate of lawful use or development for a C3 use as a dwelling house.
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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 applicants seek a full award of costs against the council, claiming that the council acted unreasonably by relying on inaccurate information and failing to conduct a thorough review of their case before denying the application. They point out basic factual inaccuracies in the Council's handling of the premises address, which relates to an enforcement investigation cited in the planning history of the Officer's Report. They highlighted several issues, including the council's failure to share contrary evidence and engage meaningfully with the appellant, which they argued led to unnecessary expenses during the appeal process.
4. The Council maintains that it met all appeal deadlines and was justified in prioritising procedural issues rather than conducting an immediate review of the appeal submissions. They clarified that the refusal of the Lawful Development Certificate (LDC) was not made based on the enforcement investigation mentioned in the planning history. Instead, they contend that the appellant did not provide sufficient information to substantiate their claims of lawfulness. They conceded that the additional evidence addressed their initial concerns about the precision and clarity of the information provided with the application. The Council indicate that the appellant's decision to submit additional evidence acknowledged the complexities of the case and undermines the costs application.
5. It is important to note that the application initially submitted by the appellant lacked two of the five Statutory Declarations included in the appeal, as well as clarifications on the purchase of the unit, its subdivision, and its address. The information

- submitted with the appeal ultimately provided greater context and was more precise and unambiguous than the information that accompanied the initial application.
6. While I recognise that the outcome of the application may have been disappointing for the appellant, the Officer's Report did not cite planning history as contrary evidence or a reason for refusing the LDC. Instead, it is indicated that the information provided was insufficient to support the appellant's case on a balance of probabilities. The Council made a procedural request early in the process and adhered to the timelines for submissions for the appeal process. They also accepted that the additional evidence provided during the appeal sufficiently addressed their initial concerns as stated in their initial Statement of Case.
 7. In my judgement, the Council did not act unreasonably by concluding that the evidence submitted with the initial application failed to meet the necessary standards of precision and clarity to demonstrate, on the balance of probabilities, that the use of the premises was lawful. As such, the appeal that followed the refusal was unavoidable. Furthermore, the Council acknowledged that their initial reasons for refusing the LDC were effectively addressed by the additional evidence presented during the appeal and did not extend or delay the determination of the appeal. Therefore, the costs incurred by the applicant cannot be deemed unnecessary or wasted, as the council's actions were appropriate and did not materially impact the flow of the appeal process.
 8. In conclusion, it has not been demonstrated that there was unreasonable behaviour on the part of the council that resulted in unnecessary costs for the applicant during the appeal process. Taking all relevant factors into account, an award for costs is therefore not justified.

Conclusion

9. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred, and an award of costs is not warranted.

M. P. Howell

INSPECTOR