



Costs Decision

Site visit made on 14 April 2026

by **Paul Martinson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 May 2026

Costs application in relation to Appeal Ref: APP/X5990/W/25/3373951

34 Craven Street, London WC2N 5NP

- 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 James Lapushner for a full award of costs against City of Westminster Council.
 - The appeal was against the refusal of planning permission for Erection of an independent roof over an existing yard accessed off Hungerford Lane.
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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. Paragraph 49 of the PPG makes clear that local planning authorities are at risk of an award of costs if they prevent or delay development that should clearly be permitted, fail to produce evidence to support each reason for refusal on appeal, or make vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The first element of the applicant's claim is that the refusal contradicts the decision issued as part of the Certificate of Lawfulness referred to in my Decision. However, the assessment as to whether listed building consent is required and whether a development proposed as part of a planning application is acceptable require different judgments. The Council stated: *'the proposed works would not affect the special architectural or historic interest of the listed building'*. However, it is clear from reading the document that this is in the context of whether listed building consent is required and it does not reference the setting of the building. As such, that the Council found that the development did not require listed building consent but did amount to harm at a subsequent planning application is not evidence of unreasonable behaviour.
5. The second part of the claim asserts that the Council did not take into account the setting when assessing the effect on the conservation area. However, it is clear that this has been assessed in the delegated report. This refers to the *'...highly enclosed nature of the site, the utilitarian character of Hungerford Lane and the roof's limited visibility'* but ultimately concluded, that a low level of harm would nonetheless occur. This is therefore not evidence of unreasonable behaviour.

6. The final strand to the applicant's claim is that the Council has not given proper consideration to the public good arising from improved security in the yard. Whilst the weight to be given is a matter for the decisionmaker, it is clear from the Council's delegated report that it gave the improvement in security consideration, before ultimately concluding that there were no public benefits sufficient to outweigh the less than substantial harm that it had identified. I therefore do not find evidence of unreasonable behaviour on this basis.

Conclusion

7. For the above reasons, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Paul Martinson

INSPECTOR