



Costs Decision

Site visit made on 23 April 2026

by **R Merrett BSc(Hons), DipTP, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 May 2026

Costs application in relation to Appeal Ref: APP/E5330/X/24/3355226

19-21 Frances Street, Greenwich, Woolwich SE18 5EF

- 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 Ajmeet Singh, Rockspark Limited, for a partial award of costs against Royal Borough of Greenwich.
 - The appeal was against the refusal of a certificate of lawful use or development for commencement of works for the "Conversion of the existing ground and basement floor levels into 2 separate commercial units including the change of use from a betting shop (Sui Generis) to retail (Class E(a)) with alterations to the shopfront, and construction of two additional floors and a 4-storey rear extension (including basement) featuring rear balconies to facilitate the provision of 1 x 1 bedroom and 7 x 2 bedroom flats with associated cycle parking, refuse storage and outdoor amenity space, together with creation of new rear pedestrian access from Ogilby Street as per planning ref 20/1050/F."
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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 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 appellant's case is that they have been required to make a repeat LDC application, when this should have been unnecessary because the Council could simply have requested the additional, very limited, information they needed before reaching its initial decision. In any event they consider the additional information was unnecessary as it did not add materially to the case. This has resulted in significant additional fees being incurred by the appellant. They say the objective of the costs application is simply to recover the fee for the second 'unnecessary' application.
4. The appellant argues the Council has failed to engage constructively, and says the argument they could have waited for the appeal outcome does not take into account commercial pressure arising from delays to the project.
5. The Council responds that the information submitted to accompany the application was limited in detail and not sufficiently precise and unambiguous to confirm commencement. It was the appellant's decision to submit the revised application and pay the associated application fee.

6. As set out in the main decision the onus is on the appellant to demonstrate their case on the balance of probability. S191(4) of the 1990 Act clearly sets out that if on an application the Council are provided with information satisfying them of the lawfulness of the relevant matter, then they shall issue a certificate to that effect, and in any other case they shall refuse the application.
7. The Council was not satisfied with the level of detail provided, and in refusing the application it acted in accordance with s191(4). I do not agree with the appellant that the additional information required was not material, as this provided further substantive evidence of excavation and concreting works having occurred. Furthermore, I can see no reason why this additional reporting information would not have been readily available to submit with the original LDC application.
8. Therefore, drawing these considerations together, whilst the Council could have been proactive and specifically asked for further information, I am not persuaded it behaved unreasonably in not doing so.
9. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted. In any event, as set out above, an award of costs must be in connection with unnecessary or wasted expense in the **appeal process** [my emphasis]. Accordingly, whilst I have some sympathy with the appellant's frustration, this principle would not encompass an allegation of unnecessary fees in the application process.

R Merrett

INSPECTOR