



## Costs Decision

No site visit made

**by Robert Naylor BSc (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 June 2026

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**Costs application in relation to Appeal Ref: APP/H5960/X/25/3365584**

**5 Rowfant Road, Wandsworth. London SW17 7AP**

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mrs Caroline Fulton for a full award of costs against the Council of the London Borough of Wandsworth.
  - The appeal was against the refusal of a certificate of lawful development for the erection of a loft conversion on the outrigger roof with hip-to-gable roof and extending the existing dormer. Insertion of two roof lights on the front slope.
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### Decision

1. The application for an award of costs is refused.

### Reasons

2. Parties in planning appeals normally cover 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. Unreasonable behaviour can be procedural, or it can relate to the substance of the matters under consideration as part of the appeal.
3. Paragraph 049<sup>1</sup> of the PPG highlights the examples of unreasonable behaviour by Local Planning Authorities (LPA) where costs can be awarded. The applicant has submitted that the LPA has acted unreasonably in that the LPA failed to appropriately consider, and follow, well-established case law and thus unreasonably withheld a Lawful Development Certificate (LDC). The applicants contend that the relevant case law and appeal decisions they provided were not assessed in detail, thus the LPA delayed a development that should clearly have been permitted and thus avoided an appeal.
4. I appreciate the applicant supplied extensive evidence at the appeal stage in the form of other Inspector decisions based on similar developments throughout the country, whilst the LPA chose to rely solely on the decision at Swaffield Road<sup>2</sup>. In that context, I understand the applicant's annoyance in that there is limited evidence to contradict the case made by them.
5. The appeal decision rests on the interpretation of Schedule 2, Part 1, Class B of the General Permitted Development)(England) Order 2015 as amended (the GPDO). Whilst Class B of the GPDO is clear on the volume threshold of resulting roof space (40 cubic metres) for terrace properties, what is unclear is how the removal of any existing roof space would be accounted in these volumetric calculations. Whilst I have agreed with the applicant in this matter, reaching an alternative decision to the

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<sup>1</sup> Appeals Paragraph: 049 Reference ID: 16-049-20140306

<sup>2</sup> PINS Ref: APP/H5960/X/24/3338806

LPA, my decision was made based on the information and evidence before me at that time.

6. This evidence included the applicants' statement of case, which incorporated additional appeal decisions and the *case law*<sup>3</sup>, which as I understand was not before the LPA at the time of the application and their subsequent decision. Without the additional information supplied by the applicant, I may not have arrived at the conclusion I did. Therefore, I find that these issues would have still needed to be assessed at the appeal stage. In this regard, whilst I disagree with the LPAs decision, the differing interpretation of the facts and the evidence, in my view does not amount to unreasonable behaviour on the part of the LPA.
7. As a result, I do not find that the applicants have been subject to wasted expense at the appeal stage. I consider that the costs incurred by the applicant in pursuing the appeal, were the normal costs arising when the right of appeal is exercised. I therefore find that unreasonable behaviour by the LPA, resulting in unnecessary and wasted expense, as described in the PPG, has not been demonstrated and that no award of costs is justified.

*Robert Naylor*

INSPECTOR

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<sup>3</sup> *Havering v Secretary of State for Communities and Local Government* [2017] EWHC (Admin) 1546