Planning Inspectorate

Costs Decision

Site visit made on 21 April 2026

by Richard S Jones BA(Hons), BTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2026

Costs application in relation to Appeal Ref: APP/N5660/X/25/3366455
28 Ferndene Road, Lambeth, London, SE24 0AB

- 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 David Whyte for a full award of costs against the Council of the London Borough of Lambeth.
- The appeal was against the refusal of a certificate of lawful use or development for the existing use of a building previously used as a single dwellinghouse to use as two separate single dwellinghouses with no occupancy conditions.

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 applicant refers to discussions with the Council and the offer to revert on any outstanding concerns, queries or an absence of specific information, because an explanation might readily have been provided.

4. Whilst I agree that a helpful approach would have been to seek clarification from the applicant on any queries the Council may have had, the PPG explains that it is the applicant who is responsible for providing sufficient information to support an application[1]. That the Council did not revert does not therefore translate to unreasonable behaviour on its part.

5. In terms of utilities, only two of the tenancy agreements provided with the application stipulate that the rent included all utilities, apart from Council tax. The additional letters from occupants explaining that the rentals were 'all-inclusive' were not submitted until appeal stage, so the Council did not have the benefit of that information at the time of making its decision. That is similarly the case with the appeal decision referred to by the appellant relating to the issue of internal subdivision.

6. Whilst the Council's reference to No 28 being banded as a single dwellinghouse for Council Tax purposes was unlikely to have been determinative, such information can be helpful as part of an overall picture of evidence. Reference to the same does not therefore amount to unreasonable behaviour on the Council's part.

[1] Paragraph: 006 Reference ID: 17c-006-20140306

7. Therefore, whilst I have not found the Council's decision to be well-founded, it is not unreasonable.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Richard S Jones

INSPECTOR