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## Costs Decision

Site visit made on 11 November 2013

**by J L Cheesley BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 14 November 2013**

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**Costs application in relation to Appeal Ref: APP/X5210/A/13/2201008  
Land at 66 and 66A Goodge Street, London W1T 4NG**

- 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 Marcus Cooper, The Cooper Property Organisation Ltd for a full award of costs against the Council of the London Borough of Camden.
  - The appeal was made against the refusal of planning permission for change of use of the ground floors and lower ground floors (basement) from private library (*sui generis*) for either Retail Use (Class A1); or Financial and Professional Services Use (Class A2); or for use as a Coffee Shop (mixed Class A1/A3-*sui generis*).
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### Decision

1. I refuse the application for an award of costs.

### Reasons

2. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only 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 planning application included use as a Coffee Shop (mixed Class A1/A3-*sui generis*). Therefore, it was correct for the Council to consider the proposal as having an element of A3 use.
4. The Council referred to a number of policies including Policy CS7 in the Camden Core Strategy 2010. Whilst this policy concentrates on retail centres, it does make reference to promoting local shops. As such, I consider that the Council behaved reasonably in referring to this policy in its reasons for refusal.
5. As regards the imposition of appropriate conditions, the Council was entitled to raise concern to ensure that the proposal would not have an adverse effect on the living conditions of local residents. Even if the Council had proposed the imposition of a suitable condition with regard to opening hours, in my opinion, it would not have outweighed the harm to the character of the area.
6. In my opinion, the Council provided a clear explanation of its reasons for refusal, with reasonable planning grounds, and therefore the Council's behaviour was not unreasonable when judged against the Circular's advice. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Circular 03/2009, has not been demonstrated.

*J L Cheesley* INSPECTOR