
Costs Decision

Hearing held on 3 September 2014

Site visit made on 3 September 2014

by Peter Rose BA MRTPI DMS MCMi

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

Decision date: 2 October 2014

Costs application in relation to Appeal Ref: APP/X5210/A/14/2218740 Golden Lion, 88 Royal College Street, London NW1 0TH

- 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 Norreys Barn Ltd for a partial award of costs against the Council of the London Borough of Camden.
 - The appeal was against a failure of the Council to give notice within the prescribed period of a decision on an application for planning permission for change of use from public house (Class A4) with ancillary accommodation to public house and function area at ground and lower ground floors respectively and 4 flats (3 x 2 bedroom/3 person and 1 x 3 bedroom/5 person)(Class C3); erection of a 3 storey extension (at 1st and 2nd floors and within the roofspace) on the Pratt Street frontage; lowering of existing basement by 600mm.
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Decision

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

The submissions for Norreys Barn Ltd

2. The applicant is seeking a partial award of costs in relation to an alleged loss of the existing public house. The applicant maintains that the Council acted unreasonably by indicating that it would have refused planning permission with regard to loss of the existing public house given that the application involves retention of a public house and enhanced facilities.

The response by the Council of the London Borough of Camden

3. The Council's response is that the authority has not maintained the proposal would involve a complete loss of the public house. Rather, the Council contends that the proposed reconfiguration and modification would harmfully compromise and undermine the existing use.

Reasons

4. The government's Planning Practice Guidance (the Guidance) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused another party to incur unnecessary or wasted expense in the appeal process.
5. The Guidance identifies a range of possible circumstances in which an award of costs may be made against a local planning authority. These include unreasonably refusing planning permission and failing to produce evidence to

substantiate a reason for refusal. The Guidance also advises that where a local authority has exercised its duty to determine an application in a reasonable manner, it should not be liable for an award of costs.

6. The Council argued that the development would harmfully compromise and undermine the use of the existing public house. Whilst the proposal would retain a public house, its subsequent form and character would be significantly different from the existing facility. Evidence has been provided by the Council, and with reference to policy, to show how the proposal would be harmful to the existing use of the building as a valued A4 community facility. I therefore find that the position taken by the Council in this regard was not without foundation or otherwise unreasonable.
7. In conclusion, I therefore find that unreasonable behaviour on the part of the Council resulting in unnecessary or wasted expense in the appeal process, as indicated in the Guidance, has not been demonstrated and, accordingly, the application is refused.

Peter Rose

INSPECTOR