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**FAO The Planning Inspectorate**

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02 March 2021

Dear Sir/Madam,

**Costs application in relation to appeal at 64 Lincoln's Inn Fields, London, WC2A 3JX**

On behalf of our client, Mr Thakkar ('the appellant'), this letter outlines an application for an award of appeal costs against the London Borough of Camden in relation to the appeal at 64 Lincoln's Inn Fields.

This letter is to be read in conjunction with the Planning Inspectorate Costs Application Form and provides the information required under section E 'Your Costs Application'.

The National Planning Practice Guidance (NPPG) states the respective parties in planning appeals and other planning proceedings are normally expected to meet their own costs unless a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. The guidance states that "*awards against a local planning authority may be either procedural, relating to the appeal process or substantive, relating to the issues arising from the merits of the appeal.*" Examples of unreasonable behaviour are included in the Planning Practice Guidance (NPPG paragraph 031).

Paragraph 049 of the PPG states that examples of unreasonable behaviour by local planning authorities include preventing or delaying development which should be permitted, failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposals impact which are unsupported by any objective analysis.

The appellant believes that the London Borough of Camden have demonstrated unreasonable behavior, in a substantive manner, in refusing planning permission and preventing development that accords with the adopted development plan and associated guidance. The Local Authority have failed to adequately discharge their statutory duty in determining the significance of the heritage asset

based on the submitted evidence and have presented inaccurate assertions about the impacts of the proposal. For these reasons, the appellant has incurred unnecessary expense in appealing against the Council's decision.

Both the listed building consent and full applications were refused for the following reason:

*The proposal would disturb and destroy historic fabric, harm the plan form of the building, and would disrupt and falsify the historic evolution of the building, causing harm to the special historic significance of the building. The proposal would detract from the overall integrity of the building's special architectural and historic interest and also cause harm to the character and appearance of the Bloomsbury Conservation Area contrary to policies D1 (Design) and D2 (Heritage).*

The Heritage Statement submitted in support of the application highlights an evolutionary understanding of the significance of the building, substantiated further by a supporting Structural Assessment from a conservation engineer.

These documents evidence that the existing roof is not the original roof form of the building and has clearly been reused and relates to a roof form that has been reconfigured from the original. The submission documents highlight that the proposal will reuse 95% of the existing roof's fabric in the construction of the proposed development that the proposed roof would be more aligned with the original roof structure.

In considering the significance of the heritage asset the delegated officer report acknowledges the presence of supporting documents but does not sufficiently address or rebut these points and therefore, a refusal on heritage grounds is unfounded.

For these reasons, the appellant has incurred unnecessary professional costs in appealing the decision and is applying for a full award of costs against the London Borough of Camden.

We trust that this is clear but should you require any further points of clarification please do not hesitate to contact me.

Yours faithfully,



**Stuart Minty**  
**Director**  
**SM Planning**