
Costs Decision

Site visit made on 10 January 2017

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 24th January 2017

Costs application in relation to Appeal Ref: APP/V5570/W/16/3160780 Flat A, Flat 471, Hornsey Road, Islington, London N19 3QL

- 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 Brinner, Honeyfield Ltd for a full award of costs against the Council of the London Borough of Islington.
 - The appeal was against the refusal of planning permission for 'property extended by addition of an extra floor of accommodation, providing an extra 2 no residential flats. Ground floor commercial unit to be retained along with existing 3 no residential units'.
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that costs may only be awarded against a party who has behaved unreasonably and has thereby caused the party applying for costs to incur unnecessary expense in the appeal process. Paragraph 49 of the PPG states that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal.
 3. Examples of this, set out in paragraph 49 of the PPG and of relevance to the points raised by the appellant in the application for an award of costs include:
 - Failure to produce evidence to substantiate each reason for refusal on appeal;
 - Preventing or delaying development which should clearly be permitted having regard to its accordance with the development plan, national policy and any other material considerations; and
 - Requiring that the appellant enter into a planning obligation which does not accord with the law or relevant national policy in the National Planning Policy Framework on planning conditions and obligations; and
 4. The reason for refusal set out in the Council's decision notice is complete, precise and relevant to the proposed development and clearly sets out which development plan policy and supplementary planning document the appeal proposal would conflict with. This reason for refusal was substantiated by the Council in the delegated report and statement of case with reference to the evidence base which underpins the relevant development plan policy and supplementary planning document.
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5. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
6. It is clear from the evidence before me that, in determining the application the Council had due regard to relevant material considerations including the Secretary of State's Written Ministerial Statement of 28 November 2014 and subsequent alterations to the PPG on planning obligations for affordable housing and social infrastructure and weighed this against development plan policy in the planning balance.

Conclusion

7. In conclusion, I find that unreasonable behaviour resulting in unnecessary and wasted expense, as described in the Planning Practice Guidance has not been demonstrated.

Caroline Mulloy

Inspector