
Costs Decision

Site visit made on 24 January 2017

by Brendan Lyons BArch MA MRTPI IHBC

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

Decision date: 6 March 2017

Costs application in relation to Appeal Ref: APP/V5570/W/16/3160795 St Peters House, Oakley Crescent, Islington, London EC1V 1LQ

- 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 Walter Hawes 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 conversion of existing first and second floor HMO unit into 2no. 3 bedroom (5 person) self-contained flats with associated bins and cycle storage; refurbishment of existing windows including reglazing with slimline glazing units; addition of 5no. conservation roof lights.
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Decision

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

The submissions by the parties

2. The appellant's written application for an award of costs was submitted with the appeal. The application offers no detail, but refers back to the appellant's main appeal statement.
3. The Council provided a written response within the set timescale.

Reasons

4. The Government's Planning Practice Guidance ('PPG') on Appeals 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.
5. Paragraph 49 of the PPG lists examples of types of behaviour by a local planning authority that may give rise to a substantive award. These include preventing development which should clearly be permitted, and failure to produce evidence to substantiate each reason for refusal.
6. The appellant argues that it was unreasonable of the Council to refuse permission on grounds of inadequate provision of private outdoor space, as the proposal was felt to comply with development plan policy, and because the previous planning application¹, which was for three flats rather than two, had not been refused for this reason.

¹ P2015/0698/FUL

7. At the appeal² against that refusal, the issue of outdoor space was raised in the Inspector's decision. Therefore, it was good practice for the Council to have fresh regard to this issue in its determination of the subsequent application. In my decision on the current appeal, I have accepted the Council's position, and found lack of compliance with the development plan. It follows that this aspect of the Council's case was not unreasonable, and that the appellant did not incur any unnecessary expense as a result.
8. I have also upheld the Council's case in respect of affordable housing. The appellant's assumption that the Written Ministerial Statement ('WMS') of 28 November 2014 had superseded the adopted development plan was founded on a misreading of legislation. In my decision, I found that the Council had taken proper account of the WMS, but that the case for giving greater weight to local circumstances was justified in this instance. The Council had not acted unreasonably, and the appellant did not incur any unnecessary expense on this aspect.
9. For these reasons, the application for a full award of costs must be refused.

Brendan Lyons

INSPECTOR

² APP/V5570/W/15/3067561