
Costs Decision

Site visit made on 6 June 2017

by Janet Wilson BA (Hons) BTP MRTPI DMS

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

Decision date: 18th July 2017

Costs application in relation to Appeal Ref: APP/U5360/W/17/3171260 12 Springdale Road, LONDON N16 9NX

- 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 Ms Zarif Hassan for a full award of costs against the Council of the London Borough of Hackney.
 - The appeal was against the refusal of planning permission for the change of use to a House in Multiple Occupation (HMO).
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Decision

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

Reasons

2. Planning Practice Guidance advises that irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
 3. The appellant submits that the investment was made at the property following advice from the Council and was unaware that planning permission was needed until just before the issue of the HMO licence. As planning permission was refused all the works done need to be undone incurring costs in addition to those incurred in initial conversion. Confirmation from one department granting the licence was in contradiction to another when it should have been clear that the property did not qualify as an HMO.
 4. Costs can only be awarded in relation to unnecessary or wasted expense in relation to the planning appeal. The basis of this costs claim relates to advice given by the Council in relation to the HMO licence and a perceived lack of co-ordination within the Council advice which precedes the planning application. This is not a matter that concerns the appeal process.
 5. Whilst I recognise that the Council did not advise the appellant that planning permission was required until late in the HMO process, in so far as the Local Planning Authority is concerned no evidence is before me that the Council acted unreasonably or inappropriately during the course of the planning application or appeal.
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6. Consequently, it has not been demonstrated that the Council acted unreasonably and cause the appellant unnecessary additional expense in the appeal process and therefore an award of costs is not justified.

Janet Wilson

INSPECTOR