



Costs Decision

Site visit made on 14 November 2017

by Rachel Walmsley BSc MSc MA MRTPI

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

Decision date: 13th December 2017

Costs application in relation to Appeal Ref: APP/U5360/W/17/3180794 5 Clifden Road, Hackney, London E5 0LL

- 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 Elaine Cotton, Roco Developments for a full award of costs against the Council of the London Borough of Hackney.
 - The appeal was against the full town planning application for subdivision into 3 self-contained flats providing 1 x 3 bed-5 person and 2 x 1 bed-1 person at number 5 Clifden Road, London E.5.
-

Decision

1. The application for a full award of costs is allowed.

Reasons

2. I have considered this application for costs in light of the Planning Practice Guidance (PPG). Irrespective of the outcome of the appeal, costs may only 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.
3. The applicant's application for costs is based on grounds pertaining to procedural and substantive matters.
4. Under Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, local planning authorities are required to *state clearly and precisely their full reasons for the refusal specifying all policies and proposals in the development plan which are relevant to the decision*. Whilst the Council's delegated officer report and planning decision notice explain why the Council considered it appropriate to refuse the planning application, the reason for refusal does not relate to the development applied for, nor does it refer to planning policy; national or local. Therefore, for substantive reasons, the Council acted unreasonably, refusing the proposed development on unfounded planning grounds.
5. Local Planning Authorities are required to behave reasonably in relation to procedural matters at the appeal. There is nothing within the evidence before me to suggest that the Council have not complied with the procedural requirements and timescales of the process. Procedurally, therefore, the Council acted reasonably. I have, nevertheless, found that the Council acted

unreasonably for substantive reasons which caused the party applying for costs to incur unnecessary and wasted expense in the appeal process.

Conclusion

6. In light of the above I am satisfied that the Council behaved unreasonably and that this behaviour led to the unnecessary and wasted expense in the appeal process. I therefore conclude that an award of costs is justified.

Costs Order

7. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the Council of the London Borough of Hackney shall pay to Ms Elaine Cotton, Roco Developments, the costs of the appeal proceedings (limited to those costs incurred in the appeal); such costs to be assessed in the Senior Courts Costs Office if not agreed. The proceedings concerned an appeal more particularly described above.
8. The applicant is now invited to submit to the Council of the London Borough of Hackney, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

R Walmsley

Inspector