Costs Decision

Site visit made on 27 August 2019

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th October 2019

Costs application in relation to Appeal Ref: APP/V5570/W/19/3230948
Garage and land to the rear of 87 Lady Margaret Road and 22 Brecknock Road, London N19 5ER

- 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 Steuart Padwick for a full award of costs against the Council of the London Borough of Islington.
- The appeal was against the refusal of an application for erection of a two-storey dwelling (two bedrooms) with basement level plus associated private amenity space, refuse and cycle storage.

Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that, 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 expense in the appeal process.

3. Paragraph 032 of the PPG states that an application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.

4. The appellant in their statement submits that they wish to claim the additional costs incurred in providing a second independent viability assessment to prove the site was unviable regarding the provision of a financial contribution for affordable housing. The appellant states the only reason to obtain a further QS report was because the Council's viability report by Adams Integra was wrong as it used inaccurate building estimates. It is stated that if the correct estimates for build costs were used a further QS report would not have been required.

5. The Development Viability Supplementary Planning Document (2016) states that if material changes are made to an application, a revised appraisal will be required. Notwithstanding the appellant's comments regarding the accuracy of the build estimates, given that material changes had been made to the development proposal, it was reasonable for the Council to request an additional viability report.

Conclusion

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

D Peppitt

INSPECTOR