
Costs Decision

Site visit made on 5 November 2019

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th December 2019

Costs application in relation to Appeal Ref: APP/V5570/W/19/3234407 The Library, 235 Upper Street, Islington N1 1RU

- 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 Numb Music Productions Ltd for a full award of costs against the Council of the London Borough of Islington.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for the change of use of the first, second and third floor of the property to backpackers hostel accommodation (sui generis).
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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 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. The Council provided one reason as to why it would have turned down this proposal. This reason essentially distilled into the issues I have identified in the appeal decision.
4. The application was not determined by the Council and had been registered with it for some months before the appeal was registered. It appears that the Council were in dialogue with the applicant and discussions were ongoing with regard to the lawful use of the upper floors of The Library and whether the application would be amended to remove the first floor and reduce the scale of the overall scheme.
5. Whilst I understand the sense of frustration which delays might have, it would not be reasonable to conclude that the Council had behaved unreasonably in the procedure leading up to the appeal on the basis of the information before me.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

G. Pannell

INSPECTOR