



Costs Decision

Site visit made on 4 November 2021

by P J Staddon BSc, Dip, MBA (Distinction), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2021

Costs application in relation to Appeal Ref: APP/U5360/W/21/3271109 78 Cazenove Road, Hackney, LONDON N16 6AA

- 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 E Padwa for a full award of costs against the London Borough of Hackney Council.
 - The appeal was against the refusal to approve revised window details submitted pursuant to condition 1 of planning permission Ref APP/U5360/C/17/3183525, granted on appeal on 30 October 2020, in respect of retention of rear extensions at lower and upper ground floor levels on land at 78 Cazenove Road’.
-

Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that parties in planning appeals and other planning proceedings normally meet their own expenses. However, it states 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. Unreasonable behaviour can either be procedural, relating to the process, or substantive, relating to the issues arising from the merits of the appeal.
3. The PPG also provides examples of unreasonable behaviour by local planning authorities. These include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
4. The appellant alleges that the London Borough of Hackney Council (the Council) was unreasonable. Specifically, he says the Council ignored the earlier Inspector’s decision¹ and that the appeal was necessitated by its failure, which was unreasonable.
5. Whilst I have judged the appellant’s submitted details pursuant to condition 1 to be acceptable and allowed the appeal, this does not mean that the Council has acted unreasonably. I have not been made aware of any prior engagement between the appellant and the Council to discuss and agree what window details would have been acceptable. Such a dialogue would have seemed desirable, given the outcome of the last appeal. Moreover, the Council has

¹ APP/U5360/C/17/3183525

explained its planning concerns about the submitted details. Whilst I do not share the Council's concern, I do not consider that it has acted unreasonably, as the central matter is one of a planning judgement.

Conclusion

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and an award of costs is not justified. Accordingly, the application is refused.

P. Staddon

INSPECTOR