



Costs Decision

Site visit made on 19 January 2022

by Katherine Robbie BA(Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2022

Costs application in relation to Appeal Ref: APP/U5360/W/21/3279710 54 Broadway Market, Hackney, London E8 2QN

- 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 Hassan (Sherman Developments Ltd) for a full award of costs against the Council of the London Borough of Hackney.
 - The appeal was against the refusal of the Council to grant planning permission for the conversion of first/second floor 3 bedroom maisonette into two self-contained 1 bedroom flats.
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may 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. However, the PPG also advises that parties in planning appeals are normally expected to meet their own expenses.
3. It goes on to indicate that local planning authorities will be at risk of an award of costs being made against them if they fail to produce evidence to substantiate a reason for refusal on appeal and vague generalised or inaccurate assertions about a proposal's impacts which are unsupported by any objective analysis.
4. The applicant states that the appeal was unnecessary because policies of the Hackney Local Plan (HLP) have been wrongly applied to the proposal under consideration.
5. Planning law is clear that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. It was the Council's assertion that the proposal did not accord with policies in the development plan and have set out clearly why they think that is the case. Therefore, the Council has not acted unreasonably in refusing the application.
6. I acknowledge that the applicant disagrees with the Council as to the relevance of HLP Policy LP19. I have found that in this instance it would not be appropriate to apply the policy to the proposal before me, however, this matter

was not determinative in the appeal as it fails on other grounds upon which the Council applied the correct policies.

7. The appeal has not led to the applicant to incur unnecessary or wasted expense to demonstrate his case and has not resulted in any unnecessary or wasted expense by the applicant. Solely instructing an agent to undertake an appeal is not considered to be an unreasonable expense in this instance.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense as described in the Planning Practice Guidance has not been demonstrated.

Katherine Robbie

INSPECTOR