
Costs Decision

Site visit made on 24 May 2022

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 17th June 2022

Costs application in relation to Appeal Ref: APP/E5900/W/21/3288143 City View House, 463 Bethnal Green Road, London E2 9QY

- 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 CVRA Ltd for a full award of costs against London Borough of Tower Hamlets.
 - The appeal was against the refusal of planning permission for alterations to the entrance including the upgrade of the entrance door and cladding approved under PA/18/03221 and installation of a flat-roofed canopy.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. It adds that examples of unreasonable behaviour by local planning authorities 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; and
 - vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. The reason for refusal set out in the decision notice is complete, precise, specific and relevant to the application. It also clearly states the policies of the Tower Hamlets Local Plan 2031 Adopted January 2020 that the development is in conflict with, in the view of the Council.
5. The planning application was submitted in January 2021 and determined in June 2021. As such the application was determined after the statutory eight-week period. However, the Council sought an extension of time, albeit this was some time after the statutory period and was not agreed by the Appellant. I also note the history of a previous application and of the appeal site.
6. The Council's report evaluates the scheme and sets out its concerns with respect to the effect of the proposal on the character and appearance of the

area and highway and pedestrian safety. While I have come to a different view for the reasons sets out in the decision letter, the Council reasonably submitted evidence to support their case in this regard. Therefore, even if the Council's actions, including with respect to the statutory deadline, were unreasonable, they have not resulted in unnecessary expense in the appeal process.

7. For this reason, and having regard to all other matters raised, an award for costs is not justified.

R Sabu

INSPECTOR