



Costs Decision

Site visit made on 21 June 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st August 2023

Costs application in relation to Appeal Ref: APP/V5570/W/22/3311013 7 Floral Place, Northampton Grove, London, London, N1 2PL

- 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 Floral Place Partnership for a full award of costs against London Borough of Islington.
 - The appeal was against the refusal to grant prior approval required under Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (as amended) for 'change of use from Class E to 3 x 1 bed self-contained flats. Please refer to accompanying drawings and Class MA Planning Letter for additional information'.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises 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.
3. The essence of the applicant's case is that the Council acted unreasonably as the decisions to grant prior approval on two subsequent applications are inconsistent with the decision that it made on the appeal proposal. In addition, a refusal could have been avoided had the Council sought additional information during the application process.
4. From the evidence before me there is a degree of uncertainty as to whether the appeal proposal relates to the same building as applications P2023/0200/PRA and P2023/0929/PRA. Nonetheless, the question as to whether the use is in Class E use or a mixed and sui generis use is raised in all cases.
5. I note the appellant indicates that application reference P2023/0929/PRA was approved with additional information provided in response to case officer queries during the application process as well as the same information as the appeal proposal. It is therefore apparent that application P2023/0929/PRA was not identical to the appeal proposal as it was supported by additional information.
6. I do not have full details of the information submitted in support of application P2023/0929/PRA, including the additional information submitted during the application process. Therefore, I cannot be certain how important such information was to the decision that was reached. Furthermore, no details have

been provided in respect of application P2023/0200/PRA. Accordingly, based on the information before me, I cannot conclude that the applications determined by the Council were directly comparable to each other and that by approving applications P2023/0200/PRA and P2023/0929/PRA the Council acted inconsistently and unreasonably.

7. It is possible that had the Council received the additional information that it sought and received in response to officer queries relating to application reference P2023/0929/PRA it would have granted prior approval of the appeal proposal. There is, however, no requirement for the Council to seek additional information before it makes its decision. The Council made its assessment on the information available at the time. Whilst I have concluded differently to the Council in my Appeal Decision, I am satisfied that its concerns were sufficiently reasoned such that its behaviour should not be considered unreasonable.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Elaine Moulton

INSPECTOR