



The Planning Inspectorate

Costs & Decisions Team

3B Eagle
Temple Quay House
2 The Square
Bristol, BS1 6PN

Direct Line: 0303 444 5601
Customer Services: 0303 444 5000

Caroline McDade
BNP Paribas Real Estate
5 Aldermanbury Square
London
EC2V 7BP

Your Ref:

Our Ref: APP/E5900/X/23/3322508

Date: 6 February 2024

BY EMAIL ONLY

Dear Ms McDade

Local Government Act 1972 - Section 250(5)
Town and Country Planning Act 1990
Appeal by University of Wales Trinity Saint David
Site Address: 1 Westferry Circus, London, E14 4HD

APPLICATION FOR COSTS

1. I am directed by the Secretary of State for Levelling Up, Housing and Communities ("the Secretary of State") to decide your application for an award of costs, on behalf of the appellant, made on 7 November 2023, against the London Borough of Tower Hamlets ("the Council"). The appeal, made on 19 May 2023, was against the Council's decision of 22 November 2022 to refuse to grant a certificate of lawfulness for office use Class E(g)(i). Only that part of the application relating to the site visit will be considered as explained in the Inspectorate's letter of 29 November 2023.

DECISION

2. The application is refused.

Basis for determining the costs application

3. 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.

Reasons

4. The appellant contends that the Council failed to attend the site visit and failed to notify the Inspectorate or the appellant that it would not be attending; the Council has not explained why it did not attend. A representative of the appellant attended the site visit and wasted expense was incurred as a result. The Council's behaviour is therefore unreasonable and costs should be awarded against it.

5. In his appeal decision of 3 November 2023 the Inspector said that as the Council failed to attend the accompanied site visit at the arranged time an access required site visit was carried out instead.
6. The Council has not commented on the costs application. Although the appellant (or their representative) did not need to accompany the Inspector throughout the visit, their attendance was nevertheless needed to allow the Inspector to access the site. The appellant has not therefore incurred any wasted expense in addition to that which would have been incurred in any event had the Council attended. Therefore, although the Council behaved unreasonably by failing to attend the site visit, this has not caused the appellant to incur wasted expense. An award of costs against the Council will not therefore be made.
7. A copy of this letter has been sent to the Council.

Yours sincerely

Richard Holland

Authorised by the Secretary of State to sign in that behalf