



Costs Decision

Site visit made on 10 July 2024

by C Butcher BSc MA MRPTI

an Inspector appointed by the Secretary of State

Decision date: 7th August 2024

Costs application in relation to Appeal Ref: APP/V5570/W/23/3331944 1-2 Faulkner's Alley, Islington, London EC1M 6DD

- 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 Messrs. G and M Greenhouse and Stirton for a full award of costs against the Council of the London Borough of Islington.
- The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for the erection of a roof extension including a roof terrace, removal of defunct fire escape stair, replacement of windows and associated works in connection with the change of use of the first, second and third floors from office (Class E) to residential (Class C3) with the provision of 1 x 3 bed flat.

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. In this instance, the appellant has stated that the Council acted unreasonably on the basis of poor communication, lack of feedback on the Market Demand Assessment (MDA) and waiting for the new local plan to be adopted before seeking to determine the application.
4. Based on the evidence before me it does seem that, following the agreed extension of time, the Council could have communicated better with the appellant with regards to the emerging policy framework and the fact that the MDA would not be sufficient under the auspices of those new policies. However, given that the emerging plan was close to reaching the end of the examination process, it is likely that the Council could have afforded very significant weight to its policies. It therefore seems unlikely to me that the Council would have sought to wait for the plan to be adopted before determining the application. In such circumstances an appeal would likely still have been necessary.
5. Therefore, I am of the view that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

C Butcher

INSPECTOR