



## Costs Decision

Site visit made on 10 July 2024

**by C Butcher BSc MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 07 August 2024**

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### **Costs application in relation to Appeal Ref: APP/V5570/W/24/3339750 25-26 Clerkenwell Close, Islington, London EC1R 0AG**

- 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 Mr M Bailey for a full award of costs against the Council of the London Borough of Islington.
  - The appeal was against the refusal of prior approval for the conversion of ground floor to residential use to integrate with existing residential use of remainder of building.
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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. In this instance, the applicant has set out that the Council has been inconsistent in its approach to decision making and that unnecessary costs have been incurred as a result of the application being refused. Having considered the appeal, it seems to me that the Council were incorrect to treat the whole building as one planning unit given that the ground floor is clearly separate from the residential accommodation above. If this had been the sole reason for refusal, then it could have been considered that the Council had acted unreasonably.
4. However, further reasons for refusal were identified relating to living conditions and the effect of the proposal on the character and appearance of the Conservation Area. While I have disagreed with the Council's conclusions on these matters, issues such as these are down to individual judgement based on the evidence, and I do not find that the Council has acted unreasonably by refusing the application on those grounds.
5. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

*C Butcher*

INSPECTOR