



Costs Decision

Site visit made on 25 July 2024

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 September 2024

Costs application in relation to Appeal Ref: APP/E5900/W/24/3339739 Oakwood House, Units 6a and 6b, 422 Hackney Road, London E2 7SY.

- 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 Patrick Kennedy (Columbia House Properties No 6 Ltd) for a full award of costs against the Council of the London Borough of Tower Hamlets.
 - The appeal was against the refusal of planning permission for the change of use of Units 6a and 6b from Use Class E (Office) to Use Class C3 (Residential) to form two dwellings.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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 there were four reasons for refusal. With regards to the first two, which related to transport impacts and noise, it is unclear to me why the Council could not have dealt with these matters via suitably worded conditions as appear to have been the case with previous applications. In my view, to not do so was unreasonable. Furthermore, the third reason for refusal, which related to fire risk, could easily have been resolved simply by seeking clarification from the appellant. To have not done so was again unreasonable.
4. With regards to the final reason for refusal, and the Nationally Described Space Standard, it was clear from the application material that the smaller of the two flats would be a one bedroom, one person dwelling. There is no guidance to suggest that a dwelling with a separate bedroom should be regarded as a one bedroom, two person dwelling. In my view, making this unfounded assumption was also unreasonable.
5. Therefore, for the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a full award of costs is therefore warranted.

Costs Order

6. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the Council of the London Borough of Tower Hamlets shall pay to Mr Patrick

Kennedy (Columbia House Properties No 6 Ltd), the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.

The applicant is now invited to submit to the Council of the London Borough of Tower Hamlets, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

C Butcher

INSPECTOR