



Costs Decision

Site visit made on 17 July 2024

by L Reid BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 September 2024

Costs application in relation to Appeal Ref: APP/V5570/W/24/3340099 Vale Royal Car Park, Vale Royal, Barnsbury, London N7 9AP

- 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 EE Ltd for a full award of costs against the Council of the London Borough of Islington.
 - The appeal was against the refusal to grant approval required under required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the installation of 1no. 10m 'Phase 5' monopole, 2no. antennas, 2no. 0.3m dishes and 3no. ground-based equipment cabinets and ancillary development thereto.
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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 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 applicant claims that the Council has behaved unreasonably by not determining the application within the period of 56 days as required for an application under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the GPDO") and because of this, it has caused them to incur unnecessary expense in pursuing an appeal. The Council however considers that the application was refused within the timeframe.
4. As will be seen from my main decision, the notification of the Council's decision, was sent outside of the applicant's representative's business hours. The notification was therefore received on the following day in line with Article 2(9) of the GPDO. Subsequently, the Council did not notify the applicant of its decision within the specified period.
5. Although the Council has behaved unreasonably by issuing notification of its decision outside the timeframe, the application was refused on siting and appearance grounds. It follows that an appeal would in any case have been necessary and that the applicant has not incurred unnecessary or wasted expense in this respect.

Conclusion

6. In light of the above, I consider that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

L Reid INSPECTOR