The Planning Inspectorate

Costs Decision

Site visit made on 16 August 2024

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 September 2024

Costs application in relation to Appeal Ref: APP/U5360/W/24/3341609
Units E and F, 2-8 Anton Street, London E8 2AD

- 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 Reverie Estates AS Ltd, for a full award of costs against the Council of the London Borough of Hackney.
- The appeal was against a refusal to grant planning permission for the change of use of two commercial units on the ground floor from Use Class E (Commercial, Business and Service) to Use Class C3 to create 2 dwellinghouses.

Decision

1. The application for an award of costs is refused.

Reasons

2. In planning appeals the parties are normally expected to meet their own expenses irrespective of the outcome. National Planning Practice Guidance (the 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. Costs are sought by the appellants on procedural grounds relating to the failure of the Council to adhere to the deadlines for the submission of documents. The information before me indicates that the Council submitted the appeal questionnaire late. Whilst this constitutes unreasonable behaviour, I see no good reason why this would have led to unnecessary or wasted expense for the appellant.

4. The Council chose not to submit a Statement or any final comments. As the reasoning behind the decision to refuse planning permission is clearly set out in the officer report the absence of these submissions is not unreasonable and has not led to any unnecessary or wasted expense for the appellant.

5. For these reasons I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated.

S Poole

INSPECTOR