



Costs Decision

Site visit made on 5 March 2025

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th March 2025

Costs application in relation to Appeal Ref: APP/U5360/W/24/3353887

Land At 28 Clonbrock Road, Hackney, London N16 8RR

- 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 Mrs Pamela Allsop for a full award of costs against the Council of the London Borough of Hackney.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for demolition of existing studio building and front boundary wall, construction of new three storey building including excavation to form new basement.
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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 (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. The Guidance states that examples of a Council's unreasonable behaviour which may result in an award of costs include a delay in providing information or other failure to adhere to deadlines as well as introducing fresh and substantial evidence at a late stage necessitating extra expense for preparatory work that would not otherwise have arisen.
4. As can be seen from my Appeal Decision, I have dismissed this appeal in respect of harm to the living conditions of nearby residents as well as character and appearance. It could therefore be argued that the Council's behaviour has not led to an appeal which could otherwise have been avoided.
5. However, the appellant had to submit an appeal against non-determination of the planning application to ascertain the views of the Council. Even then, the Council did not meet the deadline for the submission of its Statement of Case which was subsequently turned away. Furthermore, copies of some representations on the proposal were only submitted late in the appeal process in response to a request from the Inspector.
6. Whilst the appeal has been dismissed, I consider that the appellant was denied the opportunity to make an informed decision in terms of whether they should pursue the appeal, including the employment of a consultant, owing to the lack of certainty about the Council's position relating to the planning application and appeal. On that

basis, I consider that the unreasonable behaviour of the Council has led to the appellant incurring unnecessary expense in progressing this appeal.

7. I note the comments of the most recent Council case officer for the proposal in respect of working proactively with the appellant. However, this does not negate the Council's unreasonable behaviour leading up to the appeal and during the appeal process.
8. 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

9. 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 Hackney shall pay to Mrs Pamela Allsop, 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.
10. The applicant is now invited to submit to the Council of the London Borough of Hackney, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

David Cross

INSPECTOR