



Costs Decision

Site visit made on 26 March 2025

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th April 2025

Costs application in relation to Appeal Ref: APP/U5360/W/24/3349094 2-4 Paul Street, Hackney, London EC2A 4JH

- 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 Punch Pubs for an award of costs against the Council of the London Borough of Hackney.
 - The appeal was against the refusal of planning permission for use of first and second floors as pub/bar space in connection with ground floor pub (change of use from offices (Class E(g)(i) to drinking establishment (Sui Generis)).
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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. There are several strands to the applicant's case for an award of costs. In summary, the applicant sets out that the council has acted unreasonably on a number of substantive grounds. This includes failure to understand the site and proposals, failure to have full regard to material considerations and supporting information, failure to assess the application objectively and failure to substantiate reasons for refusal.
4. The reasons for refusal set out in the decision notice for the application are sufficiently complete, precise, specific, and relevant to the application. The decision notice also clearly states the policies that the Council consider the proposal would be in conflict with. In my view, the reasons for refusal were adequately substantiated by the Council in its officer report, albeit I have come to a different conclusion to the Council.
5. I have no evidence before me to substantiate the claim that the Council did not understand the site or proposal, that it did not assess the proposals objectively or that it did not take into consideration submitted evidence. Again, I find that this has been adequately set out in the officer report. In particular, the lack of specific reference to a submitted document is not reason to assume that evidence has not been assessed. In respect of the Council's lack of a physical site visit, I have no substantive evidence before me to demonstrate that this would have led to an alternative decision.

6. Overall, it is my view that the application for costs essentially relates to a disagreement about legitimate matters of planning judgement.

Conclusion

7. I find that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

A Price

INSPECTOR