
Costs Decision

Site visit made on 6 March 2025

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 2 May 2025

Costs application in relation to Appeal Ref: APP/U5360/X/23/3332101 14e Manor Road, London, N16 5SA

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Alexander Matyas for a full award of costs against the Council of the London Borough of Hackney.
 - The appeal was against the refusal of a certificate of lawful use or development for existing use as four self-contained dwellings (Use class C3).
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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. The appellant argues that the Council did not look at the evidence in the round but took each piece individually. However, taken all together, there was clearly sufficient evidence to show a continued use for 4 years.
4. The Council argue the opposite. There were gaps in the bank records and there were not tenancy agreements for each flat for 4 years. Each flat considered separately had gaps in the evidence and so it was not unreasonable to conclude there was insufficient evidence overall to demonstrate a 4 year change of use.
5. As I made clear in the decision letter I rather agreed with the appellant. There was abundant evidence for each flat that they had been let out for 4 years. It may be the case there not ASTs for each year for each flat but that is not surprising as many landlords simply allow them to roll over year to year until a new tenant comes in. There were however complete records from the various management agencies to show each flat was occupied all the time. There were also various ASTs, letters, council tax bills and so on addressed to each flat over the 4 year period to further fill in the picture.
6. In my view the Council were not applying the test that the evidence should show the 4 year use on the balance of probabilities but that each type of evidence (ASTs, council tax records, bank statements etc) should be complete in themselves. The appellant was put to the unnecessary expense of an appeal by this unreasonable behaviour.

Costs Order

7. 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 Mr Alexander Matyas, 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.
8. 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.

Simon Hand

INSPECTOR