



Costs Decision

Site visit made on 19 June 2025

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th July 2025

Costs application in relation to Appeal Ref: APP/V5570/W/25/3362859

19 St. John's Grove, Islington, London N19 5RW

- 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 Mr Ben Feld for a full award of costs against the Council of the London Borough of Islington.
 - The appeal was against the refusal of the Council to grant planning permission for the conversion at 19 St John's Grove from 3 flats to 4 flats.
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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. The PPG provides examples of unreasonable behaviour by local planning authorities. This includes procedural matters and substantive matters. This application for costs relates to both procedural and substantive matters. Specifically, the changing of the development description without agreement, the alleged misapplication of a development plan policy, the disregard for a previous decision and the alleged disproportionate and unsupported reason for refusal which relates to a cycle store.
4. The Council did amend the description of development during the application. This was undertaken without the agreement of the applicant. It was however discussed between the parties. The Planning Practice Guidance (PPG) notes that the local planning authority should not amend the description of development without first discussing any revised wording with the applicant or their agent. However, the crucial wording in the PPG is that the Council *should not*. This is different to *must not*. I also note that the PPG requires the Council to discuss any wording with the applicant or their agent.
5. Furthermore, the PPG also notes that the local planning authority should be satisfied that the description of development provided by the applicant is accurate. The Council have a duty not only to the applicant but also to any possible interested parties. The Council sought to provide a description of development which they considered would be an accurate reflection of the development proposed. In undertaking this change for the reason of accuracy, and in following the wording of the PPG which does not definitively say they must not change a

development description, this would not immediately result in an illustration of unreasonable behaviour by the Council.

6. Policy H2 Part G of the Islington Strategic and Development Management Policies 2023 (SDMP) states that to maintain a supply of family homes, the conversion of a residential unit into a larger number of self-contained units will only be permitted where the total floor area of the existing dwelling is in excess of 125sqm, amongst other things. For the reasons set out in my appeal decision, after following the wording of Policy H2 Part G of the SDMP, each flat within 19 St. Johns Grove was determined to be their own residential unit. This is a matter of planning judgment and interpretation of this development plan policy.
7. Previous planning decisions are a material factor in the determination of planning applications. Whilst each application must be assessed on its own merits, weight can be given to previous decisions by a decision maker in the planning application process. In my assessment of the officer report, the example of 3 Birnham Road did not appear to have been considered. This is not an optimal approach for the assessment of the material considerations applicable to the scheme.
8. However, in following the assessment made by the Council, the application was first assessed on whether the proposal was acceptable in principle. But, it was deemed to be contrary to policy. I am therefore not of the view that the absence of a consideration to a previous planning decision would be unreasonable behaviour where a development is deemed to be unacceptable in principle when assessed against the development plan.
9. The applicant contends that a disproportionate and unsupported reason for refusal has been given. This is in relation to the provision of a front garden cycle store. This matter has been discussed within the officer report and which was assessed against the relevant development plan policies. This is a matter of planning judgment. Whilst the appellant may not agree with this assessment, the Council, within its realm as the decision maker, is permitted to arrive at such a judgment. I therefore do not consider that this would amount to unreasonable behaviour.
10. To conclude, I am not persuaded that the local authority acted unreasonably in the procedural and substantive matters raised above. As such, unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, an award of costs on this issue is not justified.
11. For these reasons and taking into account all other matters raised, the application for costs is refused.

J Smith

INSPECTOR