



Costs Decision

Site visit made on 22 July 2025

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th July 2025

Costs application in relation to Appeal Ref: APP/U5360/W/25/3365555 134E Kingsland Road, London E2 8DY

- 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 Romain Cohen of Eurobridge for a full award of costs against the Council of the London Borough of Hackney.
 - The appeal was against the refusal of planning permission for 1st floor rear roof terrace.
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Decision

1. The application for an award of costs is partially allowed as set out in the terms 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 PPG provides examples of unreasonable behaviour by local planning authorities. This includes procedural matters and substantive matters. This application for costs relates to the alleged failure of the Council to review its case whilst adhering to the appeal process deadline, a failure to substantiate the reason given to refuse the application and a failure to consider the possibility of imposing planning conditions.
4. The timetable of the appeal was set out clearly by the Planning Inspectorate in a Start Letter to both parties, dated 22 May 2025. This letter stated that by 29 May 2025, the Council must send, amongst other things, a completed appeal questionnaire and its supporting documents. The evidence indicates that the appeal questionnaire was provided by the Council to the Planning Inspectorate on the 29 May 2025. Nevertheless, this was not sent to the appellant and therefore, this represents in my view, a small failure to follow the procedure as set out in the letter to both parties, dated 22 May 2025.
5. However, it appears from the evidence before me, that the supporting documents which were requested by the Planning Inspectorate were submitted on 27 June 2025. This is a significant period beyond the timetabled date as set out in the letter to both parties. The adherence to the timetable in appeals is vital. It allows for both the Council and the appellant to assess the cases presented by each party. In failing to adhere to this date in this case, not only does it prevent the appellant from the finalising of their case, but it unnecessarily prolongs their experience of the appeal process. Time has been spent by the appellant and their representatives in preparing for this appeal which has gone beyond the timetable set out due to the

behaviour of the Council in this case. I therefore find that does constitute as unreasonable behaviour.

6. It is contended that the case of the Council was based on generalised assertions after their alleged failure to undertake a site visit. The case provided by the Council is brief. It does not present an account of the physical circumstances of the site, nor does it suggest that a site visit was indeed undertaken. This is contrary to best practice. However, whilst this is not an optimal method of assessment, there is no definitive statutory requirement for a Council to undertake a site visit. Therefore, in principle, this is not unreasonable. It would therefore not be a demonstration of unreasonable behaviour for the purposes of this decision.
7. Turning to the use of an appropriate planning condition, it is alleged that it has been unreasonable by the Council to not impose a planning condition which requires the terrace to only be used in certain hours of the day. I am cognisant that this matter was not discussed in the officer report, which is limited in its assessment of the application. However, in my assessment of the evidence before me, it does not appear that this condition was proposed by the appellant for consideration either. I am therefore not convinced that this would be tantamount to a demonstration of unreasonable behaviour.
8. To conclude, overall, I find that the Council has demonstrated unreasonable behaviour due to its failure to stick to the timetable of the appeal process. This has resulted in unnecessary and wasted expense on the part of the applicant beyond what is necessarily expected for an appeal.

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 Eurobridge the following costs:
 - the costs incurred for the time billable beyond the 29 May 2025 to the 27 June 2025, as set out in the timetable provided to both parties by the Planning Inspectorate in the Start Letter dated 22 May 2025.
10. The applicant is now invited to submit to the Council of the London Borough of Hackney, who have also been sent a copy of this decision, details of those costs with a view to reaching agreement as to the amount. If the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Office is enclosed.

J Smith

INSPECTOR