



Costs Decision

Site visit made on 16 July 2025

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th July 2025

Costs application in relation to Appeal Ref: APP/U5360/W/25/3364703 227 Brooke Road, Hackney, London E5 8AB

- 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 Terence Bates, Clapton Country Club Limited 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 a development described as the "change of use of premises from former delivery / sorting office to multi-use events space and venue (uses to include meetings, exhibitions, weddings, catering, restaurant / dining events, functions, community functions, bazaars, restaurant, gallery, TV/film shooting & photography). (partially retrospective)."
-

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 costs claim is made on both substantive and procedural grounds. It is based on delays in the validation and determination of the planning application, a lack of communication, the introduction of new issues, not passing on representations and the misapplication of planning policy. The claim has been considered as an application for a full award of costs, in light of its contents.
4. Even if I was to agree that delays in the validation and determination of the planning application amounted to unreasonable behaviour, costs can only be awarded in relation to unnecessary or wasted expense at the appeal. I am not persuaded that if the purported delays had not occurred, that it would have made any discernible difference in the Council's case and so the applicant's expenses associated with the appeal would have still occurred. The change in Planning Case Officer and the need for time for the replacement to get up to speed simply relates to workplace matters, and so this does not amount to unreasonable behaviour.
5. The Council has also provided sufficient evidence of the engagement and contact that was made with the applicant. It is not the case there was no reciprocation because the Council provided the applicant with a summary of the representations made during the planning application. As regards the application's time sensitive nature, it has to be considered on an objective basis and so favour cannot be shown in terms of the speed of determination or the decision. The Council is also

- within its rights to consider what planning issues it considers fit during an application. It did not reasonably introduce new issues, precisely because the matters of dispute are clearly set out in the reasons for refusal.
6. The Council has set out that its policy is clear that it does not furnish an applicant with the actual copies of the representations to a planning application. It simply adhered to this policy during the course of the application. Nor is it the purpose of a costs decision to decide on the merits of a corporate policy. In any event, the Council did provide a summary of those representations. The applicant was also afforded an opportunity to review and comment on submissions made by interested parties during the appeal. Hence, there is no prejudice.
 7. Whether the former use of the site fell within the B use classes of the Town and Country Planning (Use Classes) Order 1987 (as amended) is a matter of planning judgment. The related reason for refusal is itself precise, specific and relevant, clearly explaining on what grounds the Council considers the development to be unacceptable on this issue. The development plan policy reference cited is also pertinent. In addition, the Council's appeal statement amplifies the reason for refusal. Its position is thus evidenced and not selective.
 8. In relation to the Council not requesting a marketing strategy, it is clear that the applicant in any event considers that the related development plan policy has been incorrectly applied. As such, the lack of a request does not amount to unreasonable behaviour.
 9. I have also considered whether a partial award should be made, but I reach the same overall conclusion. The Council has provided sufficient evidence across all the grounds and so such an award of costs is also not justified.

Conclusion

10. I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. An award of costs is not, therefore, justified.

Darren Hendley

INSPECTOR