



Costs Decision

Hearing held on 11 and 12 February and 5 August 2025

Site visit made on 12 February 2015

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2025

Costs application in relation to Appeal Ref: APP/E5900/W/24/3351393 107-121 (Excl. 117) Whitechapel Road, London, E1 1DT

- 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 Council of the London Borough of Town Hamlets Limited for a [partial] [full] award of costs against AMC (Whitechapel).
 - The appeal was against the refusal of planning permission for demolition of existing buildings and redevelopment of the site to provide hotel accommodation (Use Class C1); commercial, business and service space (Use Class E); and ancillary facilities including refuse storage and cycle storage; and basement excavation, landscaping, and other associated works.
-

Decision

1. The application 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 Council advised the applicant clearly throughout the pre application submissions from 2019 and 2023 that Financial Viability Assessment (FVA) would be required to be submitted with any planning application to assess the proposal against policy D.EMP3 of the Local Plan.
4. Despite this no FVA was submitted with the planning application and therefore, along with other reasons the planning application was refused for noncompliance with Policy D.EMP3. As part of their appeal the applicant submitted a FVA which the Council responded to in its Statement of Case. On the 7 February 2025 just prior to the hearing opening on the 11 February the applicant submitted a revised Feasibility Cost Estimate. This led to the Hearing being adjourned to allow the Council sufficient time to respond.
5. The fact that the appellant did not submit its viability evidence until the appeal stage is, in the context of the Council's pre application letters, unreasonable. They were well aware that the Council required the information to make a decision, Furthermore, the submission of evidence just a few days before the hearing is also unreasonable, given that it led to the Hearing having to be adjourned for a considerable time.

6. However, whenever the evidence was submitted, the Council would have had to employ its experts to provide opinion on the evidence which was considered at the hearing. The unreasonable behaviour therefore has not led to unnecessary or wasted expense.
7. For the reasons above the application is refused.

Zoe Raygen

INSPECTOR