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## Costs Decision

Site visit made on 19 August 2025

by **L Douglas BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02<sup>nd</sup> September 2025

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### **Costs application in relation to Appeal Ref: APP/U5360/C/24/3344430**

#### **1 Great Eastern Street, London EC2A 3EJ**

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by the Council of the London Borough of Hackney for a full award of costs against Yasmin and Yaqub I M Alsami.
  - The appeal was against an enforcement notice alleging without planning permission, the construction of two dormer extensions; the creation of a rear roof terrace; the installation of fire escape stairs and replacement of the timber sash windows to the rear and side front elevation with upvc windows.
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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 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 applicant claims that the appellant made submissions relating to an appeal under ground (b), which was not substantiated and resulted in the applicant spending additional time addressing that ground of appeal. Furthermore, it is claimed that the appeal under grounds (c) and (d) stood no realistic possibility of success on the evidence provided, much of which focussed on the planning merits of the development despite there being no appeal under ground (a).
4. In response, the appellant claims that a full factual account of the circumstances in relation to the development over a considerable period, to the best of their knowledge, has been provided, and that they have not made any false or inaccurate statements. The appellant has also clarified their position that 'none of the works have occurred other than in accordance with the planning permission dated 1994 or within [sic] the prescribed time for the Council to take enforcement action'. It is also claimed that enforcement action could have been avoided if the applicant engaged with the appellant prior to issuing the notice.
5. Firstly, no appeal under ground (b) was advanced and any time taken by the applicant dealing with such matters was not a result of any unreasonable behaviour on the appellant's part. The applicant has misunderstood the appellant's case that they think no breach of planning control has occurred because the appeal under grounds (c) or (d) should succeed. It was not therefore necessary for the applicant to spend additional time explaining how the development had occurred, not that any time doing so should have been significant.

6. I have, however, found the appellant's evidence in support of their appeal under grounds (c) and (d) to be poorly detailed and lacking sufficient precision and unambiguity to support their claims, on the balance of probabilities.
7. The appellant's claims that any of the development benefits from the planning permission dated 31 March 1994 were unfounded and it should have been clear on reviewing the plans referred to by that planning permission that they do not show any of the development referred to by the notice. Similarly, the claims that any part of the development benefits from a planning permission granted by The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) were unfounded, with no reference to any specific Class or Part of that legislation which may refer to such development.
8. Claims that any of the development was substantially complete more than four years before the notice was issued are also unsubstantiated, when these should have been supported by more detailed arguments and other corroboratory evidence. Indeed, the appellant's own evidence refers to works on the dormers commencing less than four years before the notice was issued.
9. Overall, it was unnecessary for the appellant's submissions to focus on the planning merits of the development, and the claims relevant to the appeal under grounds (c) and (d) were poorly detailed and unsubstantiated. It should have been apparent to the appellant that the appeal stood no realistic chance of success on the grounds pursued and the very limited evidence presented.
10. I therefore find that it was unreasonable for the appellant to have pursued an appeal under grounds (c) and (d) on this evidence. That unreasonable behaviour resulted in the applicant incurring unnecessary costs in the appeal process through defending the enforcement notice, other than that incurred in relation to a non-existent appeal under ground (b).
11. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred in respect of the appellant pursuing an appeal under grounds (c) and (d) on the evidence presented, but no appeal under ground (b) was advanced, meaning only a partial award of costs is therefore warranted.

### **Costs Order**

12. 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 Yasmin and Yaqub I M Alsami shall pay to the Council of the London Borough of Hackney the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in the appeal process other than those relating to a claimed appeal under ground (b); such costs to be assessed in the Senior Courts Costs Office if not agreed.
13. The applicant is now invited to submit to Yasmin and Yaqub I M Alsami, to whose agent a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

*L Douglas*

INSPECTOR