



Costs Decision

Site visit made on 3 July 2025

by **M Cryan BA(Hons) DipTP MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 September 2025

Costs application in relation to Appeal Ref: APP/V5570/W/25/3362909 282-284 St Paul's Road, Islington, London N1 2LH

- 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 Asher for a full award of costs against the Council of the London Borough of Islington.
- The appeal was against the refusal of approval Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for a change of use from Commercial, Business and Service (Use Class E) to Dwellinghouses (Use Class C3).

Decision

1. The application for an award of costs is refused.

Procedural Matter

2. During June 2025, while the appeal to which this decision relates was being determined, another appeal in respect of an application for prior approval for a change of use from Class E to Class C3 at the same site was allowed (PINS Ref: APP/V5570/W/24/3357046). That other appeal decision, and its associated costs decision, are material considerations carrying significant weight here. Both main parties were given the opportunity to comment on their implications in respect of this case, and I have taken those comments into account in reaching my decision.

Reasons

3. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance ("the 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.
4. Paragraph 049 of the PPG gives examples of behaviour which may give rise to a substantive award of costs against a local planning authority. These include "preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations", a "failure to produce evidence to substantiate each reason for refusal on appeal", "acting contrary to, or not following, well-established case law", and "persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable" ¹.
5. The applicant considers that the Council's behaviour has fallen broadly within the scope of those examples; specifically they argue that the Council refused to grant

¹ Paragraph: 049 Reference ID: 16-049-20140306 – the applicant's claim gave a different paragraph reference, and used a form of words for the final example which is not found in the current PPG.

prior approval contrary to submitted evidence, that it introduced “speculative and irrelevant” considerations, and that it “[failed] to assess the proposal as submitted”.

6. In determining the costs claim relating to the June 2025 appeal, my colleague found that it was not unreasonable for the Council to have exercised its planning judgement in respect of daylight and sunlight, and its related concerns about privacy. None of the evidence which has subsequently been put before me leads me to a different conclusion on that fundamental point in this case.
7. As I have explained in my main decision, the appeal scheme included the proposed included the installation of privacy film on the front windows of the two flats. The sunlight and daylight analysis originally submitted by the applicant did not take the effect of that film into account. A revised analysis submitted during the appeal showed that the film would not have a significant effect on sunlight and daylight within the proposed flats. However, in my view the Council assessed the proposal as submitted.
8. The Council’s decision to refuse prior approval was issued in February 2025, in line with the statutory timetable for determining prior approval applications and long before the June 2025 appeal decision was issued. The Council’s comments on the June 2025 decision did not dispute its relevance to this case, and on my reading do not appear to be an attempt to unreasonably persist with objections in the face of that appeal decision.

Conclusion

9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not occurred, and an award of costs is not warranted.

M Cryan

Inspector