



Costs Decision

Site visit made on 6 October 2025

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2025

Costs application in relation to Appeal Ref: APP/U5360/D/25/3371698 58 Brighton Road, Hackney, London N16 8EG

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by S Ben-Tovim for a full award of costs against Hackney Council.
 - The appeal was against the refusal of planning permission for a bicycle and bin store with integrated planters to the front of house.
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Decision

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

Reasons

2. 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. The PPG states that awards against a local planning authority may be either procedural or substantive.
3. The application for a full award of costs is made on the basis that the applicant believes that the Council have acted unreasonably on substantive and procedural grounds. Regarding the email from the Council's planning officer to the applicant on 8th June 2025 I'm not sure where the reference to a height of 2m came from, with the relevant dimensions clearly set out on the submitted drawings, but it is essentially a moot point as the applicant's agent clearly set out the correct dimensions of the proposal on 10th June 2025. There does not appear to have been any further correspondence on this matter.
4. Having regard to the appeal decision 6 Bollo Lane in Chiswick I consider that it was capable of being a material consideration in the determination of the appeal, notwithstanding that it fell within a different London Borough. However, in the absence of any details of that proposal e.g. drawings and other specifications, I could only give it limited weight and didn't consider it necessary to refer to it within my appeal decision.
5. Concerning the issue of the doors opening over the public footway, as I highlighted in my appeal decision, they would be double hinged such that when fully open they would be almost flush with the front elevation of the bike store. That said the photographic images included within the applicant's cost claim clearly show that in order to get them to the fully open position, it is necessary to open the doors across the highway, although as I also found in my appeal decision in reality the impacts of such would likely be less than from someone opening a car door and entering or exiting a vehicle.
6. It is regrettable that the local highway authority was not consulted when the planning application was first submitted, although the local planning authority quite rightly were guided by their eventual response, the context of which was not without merit.

7. It is unfortunate that the application was not determined within the 8 week target date however that in itself does not necessarily signify that the Council has behaved unreasonably, albeit I can understand the frustration caused to the applicant.
8. All in all I consider that the Officers report of the council substantiated the reasons for refusal and whilst in my appeal decision I did not find any harm stemming from the proposal upon the character and appearance of the area or upon highway safety, this was an on balance decision.
9. Consequently I consider that the Council did not behave in an unreasonable manner resulting in unnecessary expense to the applicant and therefore I consider that unreasonable behaviour as described in the PPG has not been demonstrated and the application for a full award of costs is refused.

C J Tivey

INSPECTOR