



Costs Decision

Site visit made on 26 November 2025

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd December 2025

Costs application in relation to Appeal Ref: APP/U5360/W/25/3372861 325 Lordship Road, London, N16 5HG

- 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 Topco 988 Limited for a full award of costs against the Council of the London Borough of Hackney.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for permission in principle for the construction of five dwellings.
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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 (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 applicant claims that the Council behaved unreasonably in failing to issue a decision within the required timeframe, failing to engage or communicate with the applicant's agent during the application process and failing to indicate its intended decision. The Council has not refuted or defended these claims.
4. Additionally, I have found that the Council's suggestion that the appeal should be dismissed on the grounds that the site has not been marketed for employment use, is unreasonable and unjustified given the presence of other material considerations, which do not appear to have been taken into account.
5. This unreasonable behaviour resulted in the need for the appeal, which incurred additional expense to the applicant in terms of professional fees associated with the preparation and submission of the appeal, the preparation of this costs claim and responding to the Council's statement of case, which included reasons for refusal that had not previously been communicated to the applicant or their agent.
6. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a full award of costs is therefore warranted.

Costs Order

7. 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 the Council of the London Borough of Hackney shall pay to Topco 988 Limited, the costs of the

appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.

8. The applicant is now invited to submit to the Council of the London Borough of Hackney, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

R Bartlett

INSPECTOR