



Costs Decision

Site visit made on 12 December 2025

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 December 2025

Costs application in relation to Appeal Ref: APP/E5900/W/25/3373403 504 Roman Road, Tower Hamlets, London E3 5LU

- 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 Wellhill Estates Ltd for a full award of costs against the Council of the London Borough of Tower Hamlets.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for the change of use from Use Class (E) to one bedroom studio flat at rear (C3).
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises¹ that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The PPG² states that if it is clear that the local planning authority will fail to determine an application within the time limits, it should give the applicant a proper explanation. In any appeal against non-determination, the local planning authority should explain their reasons for not reaching a decision within the relevant time limit, and why permission would not have been granted had the application been determined within the relevant period.
4. In this instance the appeal planning application was not determined within the statutory time limit. There is nothing before me to indicate that the Council gave the applicant a proper explanation or substantive reasons as to why it failed to determine the planning application within the statutory time limit. However, on the evidence before me, particularly the chronology of events occurring after the relevant time limit had passed, the Council's behaviour did not cause the applicant to incur unnecessary or wasted expense in lodging the appeal.
5. In their statement of case the applicant contends that they had little choice but to lodge an appeal because the Council advised on Friday 12 September 2025 that the application would likely be refused. However, the Council's email of that date, sent in response to an email from the applicant earlier that same day, the content of

¹ Paragraph: 030 Reference ID: 16-030-20140306

² Paragraph: 048 Reference ID: 16-048-20140306

- which has not been revealed, does not say that planning permission was likely to be refused.
6. The Council's email was sent by a Team Leader (TL) who had decision making powers to determine the planning application. They explained that they would decide the application on or before 24 September 2025, after they had returned from a period of annual leave, and following a review of the Case Officer's recommendation in light of a recent appeal decision at a nearby property. It seems highly probable that the appeal decision³ is the one referred to in my main decision, which was decided by an Inspector on 2 September 2025.
 7. Therefore, the applicant would have been aware of the Council's intended determination date for their application approximately 10 days prior to lodging the appeal on 22 September 2025. Whilst the Council's Case Officer had recommended that planning permission be refused, the TL's email to the applicant made it clear that they would review that recommendation in light of that recent appeal decision.
 8. In my judgement, neither the content nor the tone of the TL's email indicates that the refusal of planning permission was either likely or inevitable. As set out above, the TL committed to reviewing the Case Officer's recommendation and determining the planning application on or before 24 September 2025. In that context, it is unclear why the applicant considered that the content of the TL's email had forced them to lodge the appeal as a last resort. The Council's subsequent attempt to grant the appeal development planning permission by issuing a Decision Notice, supports my interpretation of that email.
 9. Based on the chronology of events set out in the evidence before me, I am satisfied that the applicant had an opportunity to delay lodging the appeal until the intended determination date had passed and the TL's review had been completed. Had the applicant waited for that to happen it seems highly likely, based on the Council's Decision Notice and the accompanying Delegated Planning Decision Report, that the Council would have granted the appeal development planning permission or at the very least given an indication that planning permission would have been granted, and the appeal could have been avoided altogether.
 10. However, by lodging the appeal when they did, the applicant incurred the expense of the appeal as a direct consequence of their own actions and not the behaviour of the Council. Therefore, this is not a case where better communication with the applicant on the part of the Council would have enabled the appeal to be avoided altogether.
 11. The applicant also contends that a decision on their application was delayed by the Council's refusal to validate the planning application until, amongst others, a Heritage Impact Statement was submitted, which the applicant considers was unnecessary. However, the appeal site is shown by the Council's submitted map as within the Medway Conservation Area, as confirmed in its Delegated Planning Decision Report that accompanied the Decision Notice.
 12. The Council requires applications affecting the significance of a heritage asset to be accompanied by sufficient information to demonstrate how the proposal would contribute to the asset's conservation. This is set out in Policy S.DH3 of the Tower

³ APP/E5900/W/25/3367330

Hamlets Local Plan 2031, Adopted January 2020, and is consistent with paragraph 207 of the National Planning Policy Framework, which states that local planning authorities should require an applicant to describe the significance of any heritage assets affected to a level of detail proportionate to the assets' importance. As the appeal building is in the Medway Conservation Area, and the appeal proposal includes works affecting the external appearance of the building, it was not unreasonable for the Council to require the applicant to provide a Heritage Impact Statement to support their planning application.

13. For the reasons given above unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

G Sylvester

INSPECTOR