



Costs Decision

Site visit made on 10 December 2025

by **L N Hughes BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9th January 2026

Costs application in relation to Appeal Ref: APP/V5570/W/25/3373716 Former part of the Archway Methodist Central Hall, at the junction of Archway Road and St. John's Way, Islington, London N19 3TD

- 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 Flowervale UK Limited for a full award of costs against Better Archway Forum.
 - The appeal was against the refusal of planning permission for the change of use of the existing Archway Methodist Central Hall building (Formerly Use Class D1 now F.1) to Arts Centre classes (Formerly Use Class D1/D2, now F2) and ancillary theatre use (Use Class Sui Generis), including the creation of 240 square metres (GIA) within the existing building at first floor level along with associated external alterations.
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Decision

1. The application for an award of costs is allowed, in part, 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 seeks a full award of costs. They consider that the appellant displayed unreasonable behaviour in pursuing an appeal that had no reasonable prospect of succeeding. Given that the appeal site is owned by Flowervale UK Ltd and would affect their land, they consider they were compelled to participate in the appeal process to protect their interests. The appellant has not responded to the costs application, which is therefore undefended, and I have thus considered it on its merits.
4. As outlined by the PPG¹, an appeal that has no reasonable prospect of succeeding may occur when the development is clearly not in accordance with the development plan, and no other material considerations such as national planning policy are advanced that indicate the decision should have been made otherwise, or where other material considerations are advanced, there is inadequate supporting evidence. I find both of these aspects to be evident, as outlined in detail in my decision notice. I found harm and development plan conflict for each of the eight main issues, predominantly based on inadequate supporting evidence and justification. This includes the lack of any S106 legal agreement.

¹ Paragraph: 053 Reference ID: 16-053-20140306, Revision date: 06 03 2014

5. The Officer Report clearly explained the reasoning underpinning the application's refusal, and I found the decision notice reasons for refusal to be sufficiently clear and precise, including where based on a lack of sufficient evidence. Very limited additional explanation or information was provided at appeal stage to respond to these points. In particular, the appellant's promotion of the acceptability of matters such as fire safety and highway safety were not based on technical supporting evidence, and were not supported at the appeal stage by any additional technical studies.
6. Moreover, the appeal submission did not address that some of the key supporting documents previously submitted were either drafted in relation to now superseded development plan policy requirements, or did not consider all relevant parts of the relevant policies. Many plans were insufficiently detailed or out of date and inaccurate. Retaining consideration of significant elements of the whole proposal until conditions stage is an unacceptable way in which to address potential harm. On this basis, my overall finding of harm and a dismissal of the appeal should not have been unforeseen by the appellant.
7. Flowervale UK Ltd seek a full award of their costs in assessing and analysing the material submitted, and commissioning Counsel and a planning consultancy to review and present professional representations. They did not seek costs for the site visit, but as their costs application was made prior to that visit, for the avoidance of doubt I have assumed that they would consider that visit to form part of their costs for the appeal.
8. Overall, for the reasons given above, unreasonable behaviour has occurred in respect of a lack of evidence to refute the reasons for refusal. I find it evident that the appeal had no realistic prospect of succeeding, which has therefore resulted in unnecessary or wasted expense for the applicant in responding to these matters during the appeal.
9. However, I consider that the applicant's attendance at the site visit was not entirely necessary, and also fulfilled other functions such as networking and visual inspection of their building, such that the costs of this visit cannot be solely attributed to the appellant. A partial award of costs is therefore warranted on this basis.

Costs Order

10. 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 Better Archway Forum shall pay to Flowervale UK Ltd, the costs of the appeal proceedings described in the heading of this decision, limited to those costs incurred in preparation for their written representation; such costs to be assessed in the Senior Courts Costs Office if not agreed.
11. The applicant is now invited to submit to Better Archway Forum, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

L N Hughes

INSPECTOR