
Costs Decision

Site visit made on 22 June 2015

by **William Fieldhouse BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 July 2015

Costs application in relation to Appeal Ref: APP/X5210/W/15/3004348 The Castle, 147 Kentish Town Road, London NW1 8PB

- 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 147 Kentish Town Road Limited for a full award of costs against the Council of the London Borough of Camden.
 - The appeal was made against the refusal of planning permission for the reinstatement of the public house façade and extension and alteration to the property to accommodate B1/A2 use at basement and ground floor levels, and 8 residential units at first, second and third floor levels (C3 use).
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Decision

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

Reasons

2. Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably, in either a procedural or substantive way, and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process¹. I shall, therefore, consider whether that has occurred in this case.
3. The Council refused planning permission contrary to the recommendations of its officers, although that in itself does not represent unreasonable behaviour. Whilst it is clear from the information provided to me that the Planning Committee discussed a range of matters associated with the proposal, including the recent planning history of the site, and inappropriate comments were made about the applicant by some members, the reason for refusal relating to the effects on the character and appearance of the area and the amenity of neighbouring residents are clear, precise and based on relevant development plan policies. Those concerns were essentially a matter of planning judgment, and whilst both the Council's officers and I reached a different conclusion to the Committee there is no substantive evidence to lead me to conclude that it failed to take into account relevant information or attached undue weight to irrelevant matters in coming to its decision.
4. The remaining reasons for refusal were a result of the lack of planning obligations being in place at the time that the application was determined, and

¹ Planning Practice Guidance ID16-028.

were also based on relevant development plan policies. It was, therefore, reasonable for the Council to refer to those reasons in its decision notice.

5. The Council has provided further information at the appeal stage to substantiate its reasons for refusal, or to explain why (in the case of two) that they are no longer relevant due to the introduction of the Camden Community Infrastructure Levy Charging Schedule in April 2015. Given that the officer report to planning committee recommended that the application be approved, it is inevitable that there are differences between it and the appeal statement with regard to the first reason for refusal. However, I am satisfied that it adequately explains and justifies the concerns that the Council has with regard to character and appearance and residential amenity. Furthermore, I do not agree that it contains inaccurate summaries of Council guidance or any significant internal contradictions, paragraph 4.9 being a summary of what the proposal is seeking to achieve and paragraph 4.10 summarising the reason for refusal.
6. Overall, therefore, the Council refused planning permission for planning reasons based on matters of judgment exercised in the context of national and development plan policies and information about the site and surroundings. Consequently, it was justified in making the decision it did, and the whole appeal process could not have been avoided.
7. Finally, there is no compelling evidence before me to indicate that the procedures adopted by the Council in handling the planning application or the appeal were in any way unreasonable in the context of the advice set out in the PPG.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Accordingly, the application for costs is refused.

William Fieldhouse

INSPECTOR