

Costs Decision

Site visit made on 16 September 2016

by Timothy C King BA (Hons) MRTPI

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

Decision date: 30 November 2016

Costs application in relation to Appeal Ref: APP/U5930/W/3153466

1 Dyers Hall Road, Leytonstone, London, E11 4AD

- 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 Mr James Waterworth for a full award of costs against the Council of the London Borough of Waltham Forest.
 - The appeal was against a refusal to grant planning permission for a new end of terrace house.
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Decision

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

Reasons

2. Paragraph 030 of the planning guidance advises 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 basis of this costs application is the applicant's opinion that, although refusing planning permission partly on the basis that insufficient details had been provided, the Council had, nonetheless, previously validated the application made. That might have been the case, and the level of detail submitted may have been just sufficient to satisfy the Council's local validation list, but it is the applicant's responsibility to promote his own application and, ideally, provide a comprehensive, detailed submission. To this extent the Council was correct in its consideration that the proposal was limited in illustrative detail.
 4. Whilst, in allowing the appeal, I disagreed with the Council's approach that the absence of detail warranted a reason for refusal in itself, it nevertheless has meant that matters outstanding must be addressed by means of planning conditions. It will be necessary, therefore, for the applicant to now make additional submissions in an attempt to secure their discharge. I do accept that certain points cited in the second reason for refusal, namely sustainability and energy efficiency, were not transposed to the Council's list of suggested conditions supplied. However, they are still considerations that need addressing, having been now incorporated into requirements under the current Building Regulations.
 5. Even if the more detailed aspects of the proposal had been put forward at the outset there is nothing to suggest that the Council would have come to a different decision overall. The appeal would likely still have ensued in view of
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the Council's judgement that the dwelling's form and design would be inappropriate in its contextual setting. Although I also disagreed with this particular assessment that is not to say that the Council, in its case report, failed to substantiate its case for refusing planning permission. Accordingly, in light of the various factors I have outlined there is nothing to suggest that the appeal could have been avoided.

6. For the reasons given above I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the planning guidance, has not been demonstrated, and I refuse the application for an award of costs.

Timothy C King

INSPECTOR