
Costs Decision

Site visit made on 14 December 2016

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 16 January 2017

Costs application in relation to Appeal Ref: APP/Y5420/W/16/3159348 489 Seven Sisters Road, Tottenham, London N15 6EP

- 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 Turabi Keskin for a full award of costs against The Council of the London Borough of Haringey.
 - The appeal was against the refusal of planning permission for the erection of a first floor rear extension to first floor flat and rear dormer window extension to second floor flat.
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
 3. It also makes it clear that costs cannot be claimed for the period during the determination of the planning application although all parties are expected to behave reasonably throughout the planning process. Although costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceeding, behaviour and actions at the time of the planning application can be taken into account in determining whether or not costs should be awarded.
 4. The crux of the applicant's case in applying for costs stems from an assertion that the Council have acted unreasonably in showing prejudice and negativity towards the application. They further state that a previous planning application was submitted and that despite numerous attempts to contact the Council during the consideration of the most recent application (the one subject of this appeal) they have shown a lack of interest in advising a positive outcome.
 5. The applicant feels aggrieved that the Council have disregarded a scheme for the same development elsewhere in the parade, considered under the same policy regime.
 6. Notwithstanding my findings on the proposed development which is the subject of a separate Decision, the evidence before me suggests that the Council have exercised their statutory duty in considering the merits of the proposed development with due regard to their adopted development plan and
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- considerations material to the case. Specifically other examples of similar development that both do and do not have the benefit of express planning permission. They have set out clearly how they consider them relevant or not to the proposed development in this case and delivered a reasoned conclusion.
7. I note the planning history of the appeal site and the refusal of a previous planning application for similar external works to the building. Albeit one that was for a different layout internally. I do not have a copy of either the plans or decision notice relevant to this case before me and as such am unable to make a direct comparison to this appeal. However, since all development proposals should be considered on their own merits and the description of development was different in any event, the two do not seem to me to be directly comparable.
 8. I accept that, in the interests of fairness and as per the advice contained in PPG, Councils should work positively and proactively with applicants during the planning application process. However, this does not automatically mean that a planning permission would be forthcoming in every case. Should they consider a given development proposal to be fundamentally unacceptable for sound planning reasons then the outcome of that consideration is the refusal of planning permission. It would be proactive of the Council to come to this view rather than instil false hope that a positive outcome can be reached.
 9. It is for these reasons that unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated and as such an award of costs is not justified.

John Morrison

INSPECTOR