
Costs Decision

Site visit made on 6 December 2016

by A A Phillips BA(Hons) DipTP MTP MRTPI

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

Decision date: 18 January 2017

Costs application in relation to Appeal Ref: APP/Q5300/W/16/3157944 1D Chase Court Gardens, Enfield EN2 8DH

- 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 Derkan Buldu for a full award of costs against the Council of the London Borough of Enfield.
 - The appeal was against the refusal of planning permission for the erection of a first floor side terrace with additional seating area.
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Decision

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

Reasons

2. Planning Policy 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 or wasted expense in the appeal process.
 3. The PPG states that examples of unreasonable behaviour by local planning authorities include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
 4. The appellant submits that the local planning authority acted unreasonably in its decision to refuse planning permission on the grounds that the case officer did not fully consider the planning application and that there was a delay in issuing the decision.
 5. The officer's report sets out an understanding of the planning application and the material considerations that were taken into account. Each consideration is concisely argued against relevant development plan policies and conclusions drawn accordingly. In determining the planning application I find no evidence that the Local Planning Authority failed to properly evaluate any relevant issue or the case as a whole.
 6. Whilst I appreciate that the outcome of the planning application will have been a disappointment to the appellant, the Local Planning Authority was not unreasonable in coming to its decision. Indeed, following consideration of the application on its merits alone, I have concurred with the Council and found that it had reasonable concerns about the impacts of the proposed development which justified its decision.
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7. The appellant has also expressed concerns regarding the extended length of time taken to make the decision. Whilst this must have caused the appellant some concern I find nothing in the evidence before me to suggest that a decision was not reached on the basis of the merits of the proposal, as submitted by the applicant. I also find no substantive evidence that the appellant incurred any additional expense during the appeal process as a result of any delay in the Council issuing its decision.

Conclusion

8. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to other matters raised, an award for costs is therefore not justified in this case.

Alastair Phillips

INSPECTOR