

Costs Decision

Site visit made on 11 April 2017

by Jameson Bridgwater PGDipTP MRTPI

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

Decision date: 5 May 2017

Appeal Ref: APP/U5930/W/16/3162959

53 Oakdale Road, Leytonstone E11 4DJ

- 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 William Font for a full award of costs against the London Borough of Waltham Forest.
 - The appeal was against the refusal of planning permission for a proposal described as 'Change of use from Class B2 (general industrial) to a Class C3 (residential) flat and undertaking of associated physical alterations, including basement extension, alterations to elevation along Central Avenue and creation of private amenity space in the form of a central courtyard and rear garden'.
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Decision

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

Reasons

2. National Planning Practice Guidance (the Guidance) advises that, 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 appeals process.
 3. The Guidance further sets out that parties in planning appeals and other planning proceedings normally meet their own expenses. Additionally the Guidance is clear that costs cannot be claimed for the period during the determination of the planning application. However, behaviour and actions at the time of the planning application can be taken into account in the Inspector's consideration of whether or not costs should be awarded.
 4. The appellant's application for an award of costs states that the Council should not have refused their application. They state that they failed to co-operate and communicate with the applicant during the planning application process and that the application was not determined within a timely manner.
 5. I have a degree of sympathy for the appellant in that it is clear from the evidence before me that there was a significant delay in the determination of the planning application and that communication between the parties had become difficult. However, it is the responsibility of the applicant to ensure that their application is supported by the necessary information at the point of submission. In this case, given the specific nature of the conversion that includes a basement, the use of lightwells and skylights, the submission of the Daylight, Sunlight and Overshadowing Assessment with the original application could have largely overcome many of the issues and delays encountered.
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6. Further, it is clear that the Council in reaching their decision have demonstrated within their delegated report that they fully considered the appellant's application as both submitted and amended. The Council's delegated report then adequately substantiates their reasons for refusal and directly relates them to the relevant policies of the Development Plan.
7. Consequently, whilst I have found in favour of the appellant in terms of the appeal decision; based on the information before me there is no substantive evidence that demonstrates that the Council have behaved unreasonably in relation to their consideration and determination of the planning application.
8. In conclusion I find that it has not been demonstrated that the Council behaved unreasonably in determining the planning application and that the appellant's costs in mounting the appeal were not unnecessarily incurred. For this reason, and having regard to all other matters raised, an award of costs is therefore not justified.

Jameson Bridgwater

INSPECTOR