

Costs Decision

Site visit made on 25th October 2017

by Alison Roland BSc DipTP MRTPI

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

Decision date: 07 November 2017

Costs application in relation to Appeal Ref: APP/Q5300/D/17/3181969 36 Old Park Ridings, Southgate, London, N21 2ES.

- 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 A Stavrou 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 a side dormer.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may 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 substance of the appellants claim is that the reason for refusal is unjustified having regard to a recent grant of permission for a dormer on No 28 Old Park Ridings (Ref: 16/00965/HOU). The Council refer to this decision in the Officer report as an erroneous example which is a poor form of development. The PPG states¹ that one of the underlying objectives of the costs regime is to encourage local planning authorities to properly exercise its development management function and ensure that reasons for refusal stand up to scrutiny.
4. Whilst all applications are subject to the general planning maxim that each case is dealt with on its own merits, applicants have a reasonable expectation that applications for ostensibly the same or very similar development, will be determined in a likewise fashion. In this case there is no suggestion from the Council that the dormer approved at No 28 is materially different than that proposed as part of the related Section 78 appeal for the appeal property. The decision for No 28 was also issued relatively recently in 2016. The PPG makes clear that not determining similar cases in a consistent manner² is an example of the type of behaviour that may give rise to a substantive award against a local planning authority.

¹ Paragraph: 028 Reference ID: 16-028-20140306

² Paragraph: 049 Reference ID: 16-049-20140306

5. Given the Council's recent decision on the dormer at No 28, I consider the appellant had a reasonable expectation that his application would be dealt with in a likewise fashion and approved. The fact it was not has led to an unnecessary appeal. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG has been demonstrated and that a full award of costs is justified.

Costs Order

6. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the Council of the London Borough of Enfield shall pay to Mr A Stavrou the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
7. The applicant is now invited to submit to the Council of the London Borough of Enfield to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

ALISON ROLAND

INSPECTOR