



Costs Decision

Site visit made on 14 November 2017

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 21 November 2017

Costs application in relation to Appeal Ref: APP/Y5420/W/17/3181922 Flat 1, 11 Wordsworth Parade, Tottenham, London N8 0SJ

- 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 Hasan Yaman 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 one storey rear extension.
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Decision

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

Reasons

2. Planning Practice Guidance (the Guidance) advises at paragraph 30 that, irrespective of the outcome of an 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. Paragraph 31 of the Guidance goes on to state that unreasonable behaviour may be either procedural or substantive in nature.
3. The application for an award of costs against the Council claims that the Council have demonstrated unreasonable behaviour in substantive terms by failing to provide justification for the decision made. It has also been stated that the appeal was unnecessary because the proposal is not against any of the policies referred to in the Council's reason for refusal.
4. It is clear to me however that the Council considered the proposal against the provisions of the development plan policies set out in their decision notice. From my reading of those policies it is also clear that they require judgement to be exercised by the decision maker. The Council's officer report clearly and succinctly, if rather briefly, explains why the Council consider that the proposal would cause harm to the character and appearance of the surrounding area, which is then subsequently set out in the decision notice.
5. I agree that the e-mail correspondence between the Council and the appellant appears to lack explanation as to the Council's view as to why the proposal would be unacceptable. However, that correspondence does not form the Council's formal decision or its reasoned justification for it. That is the purpose of the decision notice and the officer report.
6. I am advised that the Council offer a pre-application advice service which, it appears, the appellant did not engage with. Whilst I am not aware of the reasons why the appellant chose not to do so, I do not consider it to be

unreasonable of the Council to seek to determine the application in a timely manner. The appellant has also expressed concern that the case officer had predetermined the application but I find nothing to suggest that a decision was not reached on the merits of the proposal.

7. Whilst I have reached a different conclusion to that of the Council with regard to the planning merits of the proposal, I do not consider that it was unreasonable for them to reach the conclusion that they did or that they have not sufficiently set out the basis upon which that conclusion was reached. Thus, having concluded that the Council has not acted unreasonably in this respect, there can be no question that the appellant was put to unnecessary or wasted expense.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated.

Graeme Robbie

INSPECTOR