
Costs Decision

Site visit made on 8 November 2017

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 30 November 2017

Costs application in relation to Appeal Ref: APP/Q5300/W/17/3180633 6 Crescent Road, Enfield EN2 7BL

- 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 Founthill Ltd for a full award of costs against the Council of the Borough of Enfield.
 - The appeal was against the refusal of planning permission for the demolition of existing house and construction of a four storey block of six flats, including parking at ground floor level.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that irrespective of the outcome of the appeal, 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 appellant submits that the Council has acted unreasonably by providing an inconsistent, incoherent and in parts inaccurate approach to its determination of the application. In particular, the Officer Report was re-written a number of times prior to the eventual determination of the application.
4. Paragraph 049¹ of the PPG states that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal. Examples include: preventing or delaying development which should clearly have been permitted, having regard to its accordance with the development plan, national policy and any other material considerations; vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis; and refusing to enter into pre-application discussions.
5. The Council entered into pre-application discussions with the appellant and provided a comprehensive response to their original proposals. In response to that advice the appellant revised their scheme and submitted their application.
6. I recognise that the appellant considered that the revisions made would address the concerns raised in pre-application advice, and is frustrated that the

¹ Paragraph: 049 Reference ID: 16-049-20140306

Officer's Report appears to have been re-written by colleagues. However, there is no substantive evidence to suggest that site had not been visited by Officers, and it is clear that the reasons for refusal relate to matters that on the whole concern matters of professional judgement.

7. The reasons for refusal set out in the decision notice are complete, precise, specific and relevant to the application. It also states the policies of the Enfield Plan Core Strategy, Development Management Document and the London Plan that the proposal would be in conflict with. Moreover, the Council did further support their reason for refusal with a written statement which gave further clarification and support to their decision.
8. It will be seen from my decision that whilst I agreed with some of the Council's reasons for refusal, I disagreed with others. For the reasons set out above, I am satisfied that the Council has adequately substantiated its reasons for refusal.
9. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense during the appeal process, as described in the Planning Practice Guidance, has not been demonstrated, and an award of costs is not therefore justified.

Elizabeth Pleasant

INSPECTOR