



Costs Decision

Site visit made on 22 November 2017

by M Seaton DipTP MRTPI

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

Decision date: 04 April 2018

Costs application in relation to Appeal Ref: APP/U5930/W/17/3180639 Rear of 12-14 St James Street, Walthamstow, London, E17 7PF

- 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 Samuel March for a full award of costs against the Council of the London Borough of Waltham Forest.
 - The appeal was against the refusal of planning permission for a change of use from retail unit (Class A1) to residential units (Class C3) 1 x 1 bedroom flat and 1 x 2 bedroom flat.
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Decision

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

Reasons

2. The Planning Practice Guidance 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. Whilst the Guidance sets out a series of examples of behaviour whereby either a procedural or substantive award of costs may be justified, neither list is stated to be exhaustive. The application for costs is timely.
3. In making the initial application for costs, the applicant did not explicitly identify behaviours of the Council which were considered to have been unreasonable, but instead quantified three particular areas of costs incurred. These related to; i) empty building rates and finance costs; ii) administrative costs incurred during the planning application; and, iii) the cost of making the Planning Appeal. Subsequently, the applicant indicated in their comments on the Council's response to the application, that the claim in respect of cost i) had been withdrawn.
4. In assessing the merits of the other costs, I am mindful that the Planning Practice Guidance highlights that costs can only be awarded in relation to unnecessary or wasted expense at the appeal, although 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.
5. The applicant has provided a timeline of contacts and failed contacts with the Council during the course of the processing of the planning application, leading to the making of a formal complaint to the Council. From reviewing these submissions, and the content of the Council's response to the formal complaint, it would appear that the delays incurred related principally to the initial

registration of the planning application, and the Council's subsequent requirement for additional information to allow its validation.

6. I have been mindful of the documented occurrences and that there would appear to have been delays in the commencement of the planning application, which would, I have no doubt, have been a considerable source of frustration to the applicant. However, there is no corroborative evidence of unreasonable behaviour on behalf of the Council during the course of the planning appeal, to which the evidence submitted of delays during the course of the planning application may have provided additional weight and support. Furthermore, I am satisfied that the matters which I have addressed as main issues in connection with the appeal itself would still out of necessity have needed to be addressed at appeal as a consequence of the conclusions reached in the Council's planning assessment, irrespective of the time taken at the planning application. As a consequence, and being mindful of my own conclusions regarding the main issues, the same expenses on appeal would therefore have had to be incurred in any event.
7. On the basis of the above conclusions, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.
8. For the reasons given above, I refuse the application for an award of costs.

M Seaton

INSPECTOR