



Costs Decision

by Stephen Hawkins MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2019

**Costs application in relation to Appeal Ref: APP/Q5300/X/19/3220325
33 Hadleigh Road, Edmonton N9 7BU**

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mrs Fatma Kemal for a full award of costs against the Council of the London Borough of Enfield.
 - The appeal was against the refusal of the Council to issue a certificate of lawful use or development for a detached building for use as an office.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) 'Appeals' chapter advises that parties in planning appeals should normally meet their own expenses. However, costs may be awarded where a party has behaved unreasonably and that behaviour has caused another party to incur unnecessary or wasted expenditure in the appeal process (paragraphs 028 and 030). Guidance on what is meant by 'unreasonable' is in paragraph 031. The application for costs was made in writing, in accordance with the guidance at paragraph 035.
3. The applicant supplied a brief breakdown of expenditure but otherwise did not set out the basis of her costs application. The applicant did not explain how any expenditure was attributable to unreasonable behaviour on the part of the Council. PPG paragraph 032 advises that an application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
4. In refusing to grant an LDC and defending the appeal, the Council's actions have not been similar to any of the examples of unreasonable behaviour by a Council in relation to procedural matters, set out in the PPG at paragraph 047.
5. Moreover, none of the examples of unreasonable behaviour by a Council in relation to the substance of the case, set out in the PPG at paragraph 049, are relevant. The Council produced a considerable body of well-reasoned, objective, specific and relevant evidence to substantiate the reason for refusing to grant an LDC.
6. Accordingly, the conditions for an award of costs at PPG paragraph 030 have not been met.

Conclusion

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

Stephen Hawkins

INSPECTOR