



Costs Decision

Site visit made on 28 May 2018

by N Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2019

Costs applications in relation to Appeal Ref: APP/Y5420/W/19/3224882 5 South Grove, Tottenham, London, N15 5QG

- The applications are 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 first application is made by Mr Huseyin Genc for a full award of costs against London Borough of Haringey.
 - The second application is made by London Borough of Haringey for a partial award of costs against Mr Huseyin Genc.
 - The appeal was against the refusal of planning permission for second floor extensions to provide additional bedrooms to the existing first floor flat.
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Decisions

1. The first application for an award of costs is refused.
2. The second application for an award of costs is refused.

Reasons

3. 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.

The first application for costs

4. The Applicant is concerned that the Council has behaved unreasonably on both procedural and substantive grounds, in summary, by determining the planning application rather than extending the time period for determination and seeking amendments to the proposal.
5. The Planning Practice Guidance (PPG) is clear that where a local planning authority has refused a planning application for a proposal that is not in accordance with the development plan policy, and no material considerations including national policy indicate that planning permission should have been granted, there should generally be no grounds for an award of costs against the local planning authority for unreasonable refusal of an application.
6. Given my conclusions in respect of the appeal, I have found that the Council was correct to refuse planning permission because the appeal proposal is not in accordance with policies of the development and that no material considerations outweigh that conflict.

7. Whilst I understand that the applicant may have preferred to seek to negotiate an amended scheme with the Council, in these circumstances, that this did not happen does not mean that the Council behaved unreasonably in my view.

The second application for costs

8. The Council is concerned that the application for an award of costs lodged by the Appellant was without merit or justification. They describe the application as speculative and are concerned that wasted expense was incurred as a result of needing to respond to it.
9. The Council refers to the specific concerns described by the Appellant in their application as not being listed in the PPG, but the examples given are not intended to be exhaustive.
10. Whilst I agree with the Council that it has not behaved unreasonably on the evidence before me, I am of the view that the Appellant has described in sufficient detail why they considered that it had done so and what wasted expense had been incurred (in this case, the costs associated with lodging the appeal in full). In those circumstances, I do not consider that the application in itself, should be regarded as unreasonable behaviour.

Conclusion

11. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated in the case of either application.

N Smith

INSPECTOR