



Costs Decision

Site visit made on 21 January 2020

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th February 2020

Costs application in relation to Appeal Ref: APP/Q5300/W/19/3240182 203, Middleham Road, London N18 2RY

- 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 Peter Cupi for a full award of costs against the Council of the London Borough of Enfield.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for part single, part double storey side and back extension.
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Decision

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

Reasons

2. Irrespective of the outcome of an appeal, Paragraph 030 of the National Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The application was not determined by the Council and had been registered with it for some months before the appeal was lodged. The appellant claims that the Council acted unreasonably because they failed to communicate in a timely fashion throughout the application and appeals process.
4. Paragraph 32 of the PPG states that *an application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense*. In this case, I have not been provided with any clear demonstration of how the Council's conduct led to unnecessary or wasted expense and whilst I do appreciate the sense of frustration caused by delay, it would not be reasonable to conclude that the Council had behaved unreasonably based on the limited information I have before me.
5. Turning to the substantive issues, there was one reason for refusal indicated by the Council as to why it would have refused planning permission. This reason essentially distilled into the main issue that I have identified in my decision. I am therefore satisfied in this regard that the Council has been able to substantiate why it would have been minded to refuse planning permission.
6. Consequently, whilst there appears to have been a delay in determining the planning application, it is clear from my decision that I have found that the

proposal is unacceptable in planning terms. Therefore, and notwithstanding the delay, an appeal was likely in any event.

Conclusion

7. For the above reasons, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, the application for an award of costs is refused.

J Hunter

INSPECTOR