
Costs Decision

Site visit made on 28 August 2020

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 08 October 2020

Costs application in relation to Appeal Ref: APP/Q5300/W/20/3245209 127 Hoppers Road, Southgate N21 3LP

- 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 Gratitude Homes Ltd for a full award of costs against the Council of the London Borough of Enfield.
 - The appeal was against the refusal of planning permission for use of the building as two flats (1x1 bed & 1x3 bed) with associated works, parking and gardens for each flat.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) 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.
3. Paragraph 046 of the PPG states that awards against a local planning authority may be either procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal.
4. Paragraph 049 of the PPG states that examples of unreasonable behaviour by local planning authorities include failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
5. The reason for refusal set out in the decision notice is complete, precise, specific and relevant to the application. It also clearly states the policies of the development plan that the proposal would be in conflict with, in the view of the Council.
6. Accordingly, while I note that the transport officer did not object to the proposal, and that the Council chose to rely on the planning officer's report during the appeal, I do not consider that it failed to reasonably evaluate the application. Although I came to a different conclusion, the Council had reasonable concerns about the impact of the proposed development which justified its decision.
7. I note that amended drawings were sent to the Council prior to the decision notice being issued and the reference to other appeal cases. While these seek

to address the reasons for refusal, I do not have substantial evidence before me to demonstrate that that evidence would have overcome their concerns. Therefore, even if the amended drawings and appeal decision letters were unreasonably not taken into account in the determination of the application, it is unlikely that they would have altered the Council's decision. As such it is likely that the appellant would have proceeded with the appeal in any event and incurred expense during the appeal process.

8. The appellant considers that the second reason for refusal could have been dealt with via a suitable worded condition. While I have found that the proposal would provide adequate waste storage provision, this was a matter of planning judgement given the size of the driveway of the appeal site. Likewise, while I acknowledge the dispute regarding internal space provision calculations, the Council reasonably submitted evidence to support their case with regard to these matters.
9. Notwithstanding some delay in the Council sending full versions of some policies only after a number of reminders, there is little evidence before me to indicate that this delay has caused the appellant unnecessary expense. An award of costs for this reason is therefore unjustified.
10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Conclusion

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

R. Sabu

INSPECTOR