The Planning Inspectorate

Costs Decision

Site visit made on 2 December 2020

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH

an Inspector appointed by the Secretary of State

Decision date: 14 December 2020

Costs application in relation to Appeal Ref: APP/Y5420/C/20/3257935
14 Perth Road, London N22 5RB

- The application is made under the Town and Country Planning Act 1990 (the Act), sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr Manjeet Singh for a full award of costs against the Council of the London Borough of Haringey.
- The appeal was against an enforcement notice alleging without planning permission, the material change of use to 6 self-contained flats, the construction of a rear roof extension and the construction of a raised platform to the rear at ground floor level.

Decision

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

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.

3. The applicant's costs application is largely entwined with his nullity arguments and appeal under ground (e)[1] as it is predicated on their success and the anticipation of the enforcement notice being determined a nullity, quashed or withdrawn due to alleged failings by the Council in respect of service and the clarity of the notice itself. The applicant's case is that in the event of these outcomes, resulting from the alleged unreasonable behaviour of the Council, he was put to unnecessary expense in defending the said defective notice.

4. However, the nullity arguments and ground (e) appeal did not succeed and consequently none of the above outcomes resulted. I found the notice to be clear, and found that no-one had been substantially prejudiced in the way that copies had been served. The notice was upheld (with a variation allowing increased time for compliance due to success under ground (g)).

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

Andrew Walker

INSPECTOR

[1] section 174(2) of the Act