
Costs Decision

Site visit made on 23 December 2020

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2020

Costs application in relation to Appeal Ref: APP/Y5420/W/20/3258593 655 Lordship Lane, Wood Green, London N22 5LA

- 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 Paul Adu for a full award of costs against the Council of the London Borough of Haringey.
 - The appeal was against the refusal of the Council to grant subject to conditions planning permission for development described as retrospective planning permission for outbuilding to rear to be used ancillary to the existing property.
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process. Patently this is a two stage test. PPG also makes it clear that costs cannot be claimed for the period during the determination of the planning application although all parties are expected to behave reasonably throughout the planning process. Although costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceeding, behaviour and actions at the time of the planning application can be taken into account in determining whether or not costs should be awarded.
3. The crux of the applicant's claim for costs appears to be that the scheme should have been given planning permission, the Council have not explained sufficiently their objections thereto and subsequently left parties in the dark as to the reasons for refusal. The applicant suggests the Council have not approached the decision with an open mind and failed to engage with their arguments that have been put forward.
4. On the Council's decision notice, they have identified that the appeal scheme has an adverse effect on the character and appearance of the area and the living conditions of neighbouring occupiers. Their delegated officer report advances further detail on these matters, making sufficiently clear their objections to the building as well as those matters they find acceptable. In both cases, the Council then cite which policies they feel the scheme conflicts with. Not only does this then make the main issues of the appeal sufficiently

clear, it also arms the then appellant with sufficient information to formulate a response. The submission of an appeal is an applicant's choice should they wish and as far as I can see from the evidence before me, the Council have discharged their duty in determining a planning application before them and explained in sufficient detail the reasons they have refused it.

5. As for engagement, there is no statutory duty on the Council to communicate with an applicant during the time it is under consideration. In some cases, Councils may give advance notice of an impending refusal or discuss a scheme where they feel some changes may make it acceptable, but it is not unreasonable of them if they do not do this. Especially if they feel there are fundamental issues to which they object that amendments could not overcome. As appears to be the case here.
6. Having regard to my findings above and the evidence of the appeal that I have seen, there is nothing that gives me grounds to consider that the Council have determined the planning application with anything but regard to the development plan and the particular circumstances of the case, as is their role.

Conclusion

7. I do not therefore consider that the Council have acted unreasonably and as such led the applicant to incur unnecessary expense either during the life of the planning application or the submission of the subsequent appeal. A claim for costs is not therefore justified and is accordingly refused.

John Morrison

INSPECTOR