



Costs Decision

Site visit made on 5 January 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th January 2021

Costs application in relation to Appeal Ref: APP/Q5300/W/20/3256688 169A Hertford Road, Edmonton, N9 7EL

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Hillcrest Properties for a full award of costs against the Council of the London Borough of Enfield.
 - The appeal was against the refusal to grant prior approval under the provisions of Article 3(1) and Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the change of use from office to residential.
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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. It states examples of unreasonable behaviour include vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
3. The appellants consider that the appeal was unnecessary and as a result of the Council's unreasonable behaviour in relation to its handling of the application. Therefore, a key issue is whether the Council have provided sufficient evidence to substantiate their reason for refusal at appeal. The reasons for the refusal set out in the decision notice are complete, precise, specific and the first three reasons were relevant to the application. It also clearly states the policies that the proposal would be in conflict with. The reasons have been adequately substantiated by the Council in its appeal statement.
4. Accordingly, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided. I have found that in exercising their planning judgement the Council had reasonable concerns about the impact of the proposed development which justified its decision.
5. I accept that the Council were unable to take into account the matters which they considered in their fourth reason for refusal relating to the lack of refuse and recycling storage, however the appellant has not provided any further technical evidence to defend this part of the appeal and as such I do not consider this has resulted in unnecessary or wasted expense on the part of the appellant.

Conclusion

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, the application for partial costs is refused.

G. Pannell

INSPECTOR