The Planning Inspectorate

Costs Decision

Site visit made on 28 May 2021

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd June 2021

Costs application in relation to Appeal Ref: APP/Q5300/W/20/3265480
39A Camlet Way, Enfield EN4 0LJ

- 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 Camlet Villa Developments LLP 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 the demolition of the existing house and the erection of 4 houses.

Decision

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

Reasons

2. The 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.

3. The basis of the applicant's costs application is that *'the planning department at Enfield agreed with our approach and recommended the scheme for approval (see report to committee). Therefore the reasons for refusal are not correct as the planners do not agree with them. The Councillors at committee refused the scheme based on opinion and not based on planning policy. They went against the officers recommendations for approval which resulted in the refusal'*.

4. While the planning application was recommended for approval by officers, this in itself does not mean that members of the Planning Committee were not entitled to reach a different view. I acknowledge that in my appeal decision, I have reached the same view as the officers. However, the reasons for refusal of planning permission were based on matters of planning judgment. Indeed, the Council's reasons for refusal of planning permission do not relate to any infringement of any prescriptive technical standards or policies. Instead, the reasons relate to matters of design, character and to living conditions (i.e. outlook) all of which require an element of subjective planning assessment.

5. In refusing planning permission, I am content that the Council has reasonably substantiated its reasons for refusing planning permission, albeit that I have reached contrary views. Furthermore, I am satisfied that in reaching its decision to refuse planning permission the Council did reasonably take into account the planning permission for four dwellings on the site. Indeed, the

Planning Committee minutes refer to *'members discussion on the merits of the scheme in terms of its scale, additional mass, bulk and design'.*

Conclusion

6. For the above reasons, I conclude that the Council has not acted unreasonably, and that the applicant has not been put to wasted time and expense in pursuing the appeal. Therefore, a full award of costs is not justified.

D Hartley

INSPECTOR