



Costs Decision

Site visit made on 8 June 2021

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2021

Costs application in relation to Appeal Ref: APP/Y5420/W/21/3268380 57-59 West Green Road, Tottenham, London N15 5DA

- 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 Gulfraz Taj (Taj Partners LLP) for a full award of costs against the Council of the London Borough of Haringey.
 - The appeal was against the refusal of an application for planning permission for erection of a single-storey rear extension.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance (the PPG) advises that parties to a planning appeal are normally expected to bear their own costs, but costs can be awarded where the unreasonable behaviour of a party has caused another party to incur unnecessary or wasted expense in the appeal process.
3. Paragraph 049 of the PPG sets out circumstances where the behaviour of a local planning authority may give rise to a substantive award against them. These include failure to produce evidence to substantiate a reason for refusal on appeal, and making vague, generalised or inaccurate assertions about a proposal's impact.
4. The Council's sole reason for refusal was on fire safety grounds. The reason for refusal specifically referred to the loss of a fire escape and capacity to install an external staircase to serve the upper floor flats.
5. In my accompanying appeal Decision, I found that there would be no material change to existing fire escape arrangements for occupiers of the upper floor flats, and as such, the proposal did not involve the loss of a fire escape. Furthermore, this application for a ground floor extension to the shop did not involve any alteration to the number or layout of the upper floor flats. The Building Control comments referred to by the Council were made in relation to a separate planning application for creation of an additional flat. Moreover, the concerns raised were regarding the internal fire door arrangement for that particular proposed flat and did not make any recommendation for an external staircase to be installed at the site. No other evidence was put forward by the Council during the appeal to justify its position with regards to the need for capacity to install an external fire escape for the existing flats.

6. For the above reasons, the Council's refusal was not well founded, containing vague and inaccurate assertions about the proposal's impact, with the result that the Council has been unable to substantiate it as part of its appeal case.
7. Accordingly, I am of the view that unreasonable behaviour has been demonstrated on the part of the Council, and has resulted in the applicant's unnecessary expense in contesting the appeal.

Conclusion

8. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that a full award of costs is justified.

Costs Order

9. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the Council of the London Borough of Haringey shall pay to Mr Gulfraz Taj (Taj Partners LLP), the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
10. The applicant is now invited to submit to the Council of the London Borough of Haringey, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

A Caines

INSPECTOR