
Costs Decision

Site visit made on 8 November 2021

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th November 2021

Costs application in relation to Appeal Ref: APP/U5930/W/21/3273302 22 Winslow Grove, Chingford, London E4 6EU

- 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 Osman Ahmet for a full award of costs against the Council of the London Borough of Waltham Forest.
 - The appeal was against the refusal of planning permission for subdivision of site and construction of a three storey, 3-bedroom, dwelling house with associated car parking space, refuse and recycling storage.
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Decision

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

Reasons

2. Planning Practice Guidance advises that, irrespective of the outcome of an 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. Notwithstanding the successful outcome of the planning appeal that is the subject of this application, the Council was able to provide evidence in the interests of seeking to substantiate each of its reasons for refusing planning permission. It undertook objective analysis when doing so.
4. It is not the case that development was prevented or delayed that should clearly have been permitted. Indeed, it will be seen from my decision upon the planning appeal that I attributed some weight in the planning balance (albeit limited) to harm caused in a character and appearance sense. I also found that the intended replacement tree, once established, would hold some potential to obscure access to light for existing and future residents (although not to an unacceptable degree). Furthermore, the Council was able to identify non-compliance with an external space standard directly linked to an adopted development plan policy.
5. For the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. Thus, having had regard to all matters raised, an award of costs is not justified.

Andrew Smith

INSPECTOR