



Costs Decision

Site visit made on 14 March 2022

by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA

an Inspector appointed by the Secretary of State.

Decision date: 11 April 2022

Costs application in relation to Appeal Ref: APP/Y5420/C/20/3256707 55 Handsworth Road, London M17 6DB

- 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 Bension Nassim for a full award of costs against the Council of the London Borough of Haringey.
 - The appeal was against an enforcement notice alleging a material change of use to six self-contained flats.
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Decision

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

Case for the parties

2. The application is very brief, basically identifying the cost of running the appeal and alleging unreasonable behaviour by the Council.
3. The Council maintain that it had reasonable suspicion of a change of use, from the council tax and the occupiers' claims for benefits. The appellant failed to engage with the Council, so it was left with no alternative but to issue the enforcement notice.

Reasons

4. The Planning Practice Guidance 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.
5. The Council clearly had reasons to consider that there had been a material change of use from Council tax records and the actions of occupiers. It tried to engage with the appellant, in the form of a planning contravention notice, to understand the use, but this was not returned by the appellant. The Council therefore was left with little alternative than to serve the enforcement notice. The Council did not behave unreasonably and costs will not be awarded.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Graham Dudley

Planning Inspector

