



Costs Decision

Site visit made on 5 April 2022

by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2022

Costs application in relation to Appeal Ref: APP/Y5420/W/21/3277700 708 Lordship Lane, Wood Green, London N22 5JN

- 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 Mrs Mona Larijani of KIKS Group Ltd for a full award of costs against the Council of the London Borough of Haringey.
 - The appeal was against the refusal of planning permission for change of use from a dwelling (C3 use) to a 7 bedroom 9 person HMO (Sui Generis) including single-storey rear extension, hip to gable roof extension, rear dormer and installation of three rooflights in front roof slope.
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that irrespective of the outcome of the appeal, costs may 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. It goes onto state that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by preventing development that should clearly be permitted or by making vague, generalised or inaccurate assertions about a proposal's impact; or in relation to procedural matters, such as by not co-operating with other parties.
4. The Council refused the application for three reasons, two of which I agreed with in my appeal decision. The proposal is therefore not a development that should clearly be permitted. I disagreed with the reason for refusal relating to the concentration of HMOs in the area, however their evidence in the officer's report was not materially inaccurate and they did not act unreasonably in objecting to the proposal on this ground. I note in their appeal statement they say there are 52 HMOs on Lordship Lane, which is not supported by either the email from the Private Sector Housing Team or the HMO register. But the figure quoted in the officer report was generally in line with the appellant's figure, and my finding, and so this did not affect the nature of their original concern.
5. The other decisions relating to HMOs, referred to by the applicant, relate to properties in different areas of the Borough with different concentrations of HMOs, and so it was not unreasonable for the Council to come to different

decisions. The applicant provides no evidence to support their contention that the Council have presented vague or generalised assertions.

6. There is some evidence to suggest the applicant tried to engage with the Council during the application process. However, the Council's failure to engage does not represent unreasonable behaviour, albeit it does not demonstrate a positive approach advocated by the National Planning Policy Framework. Furthermore, as set out in the Council's email response to the applicant's agent, normally the Council provide advice at the pre-application stage which, it appears, the applicant did not enter into.
7. Overall, it has not been demonstrated that the Council behaved unreasonably resulting in unnecessary or wasted expense on behalf of the applicant, as described in the PPG. Therefore, the application for an award of costs is refused.

Andrew Owen

INSPECTOR