



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: 22 April 2022

Costs application in relation to Appeal Ref: APP/Y5420/W/21/3286996 Land fronting Bradley Road, R/O 84 Station Road, London N22 7SY

- 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 T Theodosiou of Rila Ltd for a partial award of costs against the Council of the London Borough of Haringey.
 - The appeal was against the refusal of planning permission for construction of a 1 bedroom/2 person single family dwellinghouse with accommodation at ground and lower ground floor levels; associated boundary walls, cycle parking and refuse/recycle storage.
-

Decision

1. The application for a partial 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 failing to produce evidence to substantiate each reason for refusal at appeal, or by making generalised or inaccurate assertions about a proposal's impact; or in relation to procedural matters, such as not co-operating with other parties.
4. On substantive matters, the applicant seeks an award of costs relating only to the third reason for refusal. This reason for refusal relates to outlook from the development and sunlight received by it. The appellant produced a Daylight and Sunlight report which showed that in winter months the living area would receive 0% Annual Probability Sunlight Hours. The appellant outlined mitigation, by reference to daylight, which the Council, in their officer report, considered but ultimately rejected. I consider the officer report explained their reasons clearly. They sought to rely on their officer report at the appeal and there is no obligation on them to expand on that reason further.
5. The applicant provided further information at appeal which suggests the living area would receive 17% Annual Probability Sunlight Hours in winter. However clearly that was not before the Council at the time of their determination of the application. Therefore, based on the information before them, the Council did not act unreasonably in refusing the proposal for the reason given, and so the

production of the second sunlight and daylight report was not an unnecessary expense.

6. The Council have not produced a list of suggested conditions or engaged with the applicant with respect to the draft unilateral undertaking regarding car parking. However, Councils are not obliged to provide a list of conditions and as the Council would not be party to a unilateral undertaking they are not required to comment on it. 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. In any case their inaction, in these regards, has not resulted in any unnecessary expense.
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