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## Costs Decision

Site visit made on 11 July 2022

**by C Harding BA(Hons) PGDipTRP PGCert MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 8 August 2022**

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### **Costs application in relation to Appeal Ref: APP/U5930/W/21/3284184 113 Old Church Road, Chingford, London, E4 6ST**

- 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 Christoforos Kroussos for a full award of costs against the Council of the London Borough of Waltham Forest.
  - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for reduction of the hairdressing shop area to create a one person studio.
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### **Decision**

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

### **Reasons**

2. The Planning Practice Guidance (PPG) 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.
3. The applicant submits that the Council has acted unreasonably in failing to determine the planning application within the statutory 8-week period for such a development, and that in doing so, had a major impact upon the ability of the appellant to carry out business restructuring during the pandemic.
4. PPG advises that local planning authorities, in any appeal against a failure to determine an application within the statutory period, should explain the reasons for not reaching a decision within the relevant time limit, and why permission would not have been granted had the application been determined within the relevant period. It also advises that if an appeal in such cases is allowed, that the local planning authority may be at risk of an award of costs, if there were no substantive reasons to justify delaying the determination, and better communication with the applicant would have enabled the appeal to be avoided altogether.
5. Although the Council have provided evidence in relation to why planning permission would not have been granted, no explanation as to the reasons for not reaching a decision within the relevant time limit has been provided.

6. However, as the local planning authority indicated that it would have refused permission, and I have also concluded that the proposed development would be unacceptable, it is not the case that otherwise acceptable proposed development has been delayed by the failure to determine the planning application with the statutory timeframe. Accordingly, the applicant has not incurred additional or wasted expense as a result of this delay, as it is possible that the appeal would not have been avoided in any event.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

*C Harding*  
INSPECTOR