
Costs Decision

Site visit made on 16 August 2022

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th September 2022

Costs application in relation to Appeal Ref: APP/Y5420/W/22/3291132 Land Rear of 3 New Road, Hornsey, London N8 8TA

- 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 Barry Shaw 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 and conversion of the ground, first and second floors from (vacant) Class B1 to provide 7no. self-contained flats (the application does not propose or involve any external physical alterations to the existing facades of the property).
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Decision

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

Reasons

2. 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.
3. The applicant has referred to a number of matters including that the Council has not substantiated the reasons for refusal, with particular regards to providing a written statement and with regards the marketing report, delays in determining the application and responding to the appeal. Furthermore, the applicant has referred to an alleged inconsistency with regards the matter of the privacy of the occupiers of neighbouring properties.
4. In support of the appeal the Council has submitted the Officer's report that details the Council's reasoning in reaching the decision that it made. I am satisfied that the Council has reasonably substantiated the reasons for refusal, including with regards the marketing of the appeal property.
5. The applicant has also referred to delays in the determination of the application. Planning Practice Guidance clearly states that costs cannot be claimed for the period during the determination of the planning application. However, I have had due regard to the behaviour and actions of the Council in course of determining the planning application.
6. With regards the matter of privacy and the consistency of the Council's decision with past decisions, while in reaching my decision I concluded otherwise, the proposed change of use of the appeal property from office to residential is a material change of circumstance and the Council acted reasonably in reaching its conclusion that it reached.

7. To conclude, it has not been demonstrated that the Council behaved unreasonably and therefore I find that it did not cause the applicant to incur unnecessary or wasted expense in the appeal process and the application for the award of costs is refused.

Mr M Brooker

INSPECTOR