
Costs Decision

Site visit made on 25 July 2022

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th September 2022

Costs application in relation to Appeal Ref: APP/Y5420/W/22/3293625 31 Waldeck Road, Tottenham, London N15 3EL

- 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 M Larijani 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 of property from single dwellinghouse (Class C3) to an 8 bedroom HMO for up to 10 individual occupiers (Sui Generis).
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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 contends that the Council failed to substantiate their reasons for refusal. The Council refused the application because it was contrary to the provisions of the development plan and provided reasons for this. As can be seen in my appeal decision, I too have found conflict with the development plan read as a whole. As such, I am satisfied that the Council substantiated their reasons for refusal adequately. The Council have also demonstrated that they gave sufficient weight to the extant planning permission, given that they clearly set out that the permission, and what has been applied for, are different.
4. It is also put to me that the rear extension, which has already been built, constitutes permitted development and the Council failed to take this into account. Since the application was determined a certificate of lawfulness has been issued, and the Council has confirmed that the appeal scheme would be no more harmful than that which could otherwise be built. However, at the time the decision was made there was no certificate of lawfulness before the Council and there were concerns regarding the differences between the extant permission, another certificate of lawfulness and what has been built.
5. As such, it was reasonable for the Council to assess the effect of the proposal on the character and appearance of the area. The situation was promptly

reviewed during the appeal process, with clarification of the Council's position being provided in its appeal statement.

Conclusion

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

F Harrison

INSPECTOR