
Costs Decision

Site visit made on 20 September 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th October 2022

Costs application in relation to Appeal Ref: APP/Q5300/W/21/3288873 12 A Queen Anne's Terrace, Bush Hill Park, Enfield EN1 2TP

- 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 Osman Ismail (Lycium Properties) for a full/partial award of costs against the Council of the London Borough of Enfield.
 - The appeal was against the refusal of the Council to grant planning permission for an extension to the rear dormer window.
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Decision

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

Reasons

2. Irrespective of the outcome of an appeal, Planning Practice Guidance (PPG)¹ advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The claim is made partly on the grounds that the Council acted to prevent or delay development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
4. However, whilst I have dismissed the appeal on other grounds there is nothing to indicate that the development should clearly have been permitted and the Council have presented clear and logical evidence which is supported by reference to development plan policies.
5. There is nothing to suggest that the Council have shown such a lack of co-operation within the application process to the extent that this would be unreasonable. Again, I note that the application appears to have been determined within a reasonable timescale on the basis of logical argument and reasoning.
6. In any event this part of the costs claim does not relate to the appeal process. PPG makes it clear that costs cannot be claimed for the period during the determination of the planning application².

¹ Paragraph: 030 Reference ID: 16-030-20140306

² Paragraph: 033 Reference ID: 16-033-20140306

7. PPG³ also advises that costs awards cannot extend to compensation for indirect losses, such as those which may result from alleged delay in obtaining planning permission.

Conclusion

8. For the above reasons, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, the application for an award of costs is refused.

T J Burnham

INSPECTOR

³ Paragraph: 032 Reference ID: 16-032-20140306