



Costs Decision

Site visit made on 10 October 2022

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd November 2022

Costs application in relation to Appeal Ref: APP/Q5300/W/22/3291531 33 Perry Mead, Enfield EN2 8BP

- 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 Ms Nikki Wetherill, Viali Developments, for a full award of costs against the Council of the London Borough of Enfield.
 - The appeal was against the refusal to grant planning permission for Technical Details Consent for the construction of three-storey building of 5 dwellings with associated landscaping and parking.
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Decision

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

Reasons

2. The application for an award of costs will be familiar to both parties. Consequently, I shall not repeat the submission in full within this decision. Government guidance on the award of costs is set out in the Planning Practice Guidance (PPG). Paragraph 030 of that guidance notes that a party may have costs awarded against them in relation to appeal proceedings if they have behaved unreasonably and that behaviour has led another party to incur unnecessary expense. Those two matters are pre-requisites for an award; if there has been no unreasonable behaviour or no wasted expense an award will not be justified.
3. The applicant seeks an award of costs on the basis that insufficient care or attention was afforded to the planning application, and this has resulted in poorly framed reasons for refusal, including a grammatical error, that on interrogation is based on inaccurate assertions that are not supported by the reality of the site or its situation or the policies cited. They state that based on the facts of the case the development would not result in the harm as asserted by the LPA. In addition, the reasons for refusal relating to drainage and cycle storage are resolvable through the imposition of conditions. Furthermore, the LPA has introduced new reasons for objection, which were not previously considered unacceptable.
4. The LPA state that when due consideration is given to the number of areas of non-compliance with policy outlined in their statement, and within the delegated report, they do not consider the assessment and ultimate refusal of this appeal proposal at application stage to constitute unreasonable behaviour that would justify an award of costs.

5. The application required an exercise of planning judgement. I have found in favour with both the applicant's and Council's case. Whilst I acknowledge that there are some errors, adequate evidence was submitted to show that the Council did not apply its overall judgement in an unreasonable manner and sufficient analysis was provided to support their claims about the proposal's impact. The Council has raised new concerns, but these relate to the main issues, and it has not prolonged the proceedings.
6. Consequently, even though I have found some of the reasons for refusal can be dealt with by a planning condition, given the harm I have found, to my mind the Council has not prevented development that should clearly have been permitted, having regard to the development plan, national policy and other material considerations.
7. For the reasons set out above, the applicant has not shown that the Council's refusal of planning permission was unreasonable and that no wasted or unnecessary expense has been incurred by the applicant in the appeal process. I conclude therefore, that the application for an award of costs should be refused.

L Wilson

INSPECTOR