



Costs Decision

Site visit made on 4 April 2023

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 27th April 2023

Costs application in relation to Appeal Ref: APP/Q5300/W/22/3302820 6 Dell Road, Enfield EN3 5RF

- 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 Hasan Gul for a full award of costs against Council of the London Borough of Enfield.
- The appeal was against the refusal of the Council to grant planning permission for proposed rear and first-floor side extension, loft conversion with rear dormer and skylights, and conversion of a single family dwelling into 2x residential units with associated parking and waste bins.

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. Unreasonable behaviour in the context of an application for an award of costs may be either procedural, relating to the process, or substantive, relating to the issues arising from the merits of the appeal.
3. The applicant has stated that the Council refused the application based on the quality of the access to the garden area for flat B, and that this reason for refusal was additional to reasons identified in an earlier refusal of planning permission¹. It also refers to the failure of the Council to respond to emails regarding examples of similar developments, and that the support expressed by a local councillor who had written to the planning team about the decision, was not acted upon.
4. Whilst the applicant disagrees with the assessment made by the Council with regards to the access, the existing plans do not show that there is an existing gate from the garden into the adjoining track. Furthermore, detailed evidence to support this, such as photographs, or details of the rights of access that the applicant has along the track were not provided.
5. Although the decision notice for a previous, similar, scheme, had two reasons for refusal, the officer report did include a third reason for refusal regarding the amenity space for the occupiers of flat B. Therefore, the applicant would have known that this issue would need to be addressed in any future application.

¹ 21/04681/FUL

6. The applicant has also expressed concerns regarding the Council's failure to answer emails. Whilst not receiving a response from the Council must have been frustrating to the applicant, the validation letter which has been sent in with the appeal, does say that the Council has a high number of planning applications and difficulties in recruiting staff. I have nothing to suggest that the Council did not determine the case based on the merits of the proposal, as submitted by the applicant.
7. The application also considers that there had been correspondence between a councillor and the Council regarding this case which did not appear to have been acted upon. The Council have said that they have can find no evidence in their records of this correspondence, and I have no reason before me to suggest that this is incorrect. Moreover, there is no reason to believe that this correspondence would have resulted in a different outcome, thereby avoiding an appeal and its associated cost.
8. I therefore find that unreasonable behaviour, resulting in unnecessary or wasted expense as described in the PGG, has not been demonstrated.

M J Francis

INSPECTOR