



Costs Decision

Site visit made on 9 June 2023

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th June 2023

Costs application in relation to Appeal Ref: APP/U5930/W/22/3311375 694 High Road, Leytonstone, E11 3AA

- 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 A Malde (Zoo Property Holdings Limited) for a full award of costs against the Council of the London Borough of Waltham Forest.
 - The appeal was against the refusal of planning permission for construction of roof extension to create additional two floors to provide 4 self-contained residential units comprised of (4 x 2-bedrooms) (Use Class C3).
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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. Council Officers recommended approval of the planning application and, this followed pre-application engagement on the proposal. However, the Council Members were entitled not to accept the professional advice of Officers so long as a case could adequately be made for the contrary view.
4. The Council has not submitted a Statement of Case. In so doing and, given that the decision was against Officers' recommendation, limited evidence has been produced to support or elaborate upon the reasons for refusal. Despite this, the reasons for refusal are clearly set out and include reference to those development plan policies the Council deem the proposal to be in conflict with. The Council has exercised its Planning and Compulsory Purchase Act 2004 section 38(6) duty, giving reasons which are entitled to some weight.
5. The PPG advises that where a local planning authority has refused a planning application for a proposal that is not in accordance with the development plan policy, and no material considerations including national policy indicate that planning permission should have been granted, there should generally be no grounds for an award of costs for unreasonable refusal of an application. It can be seen from my appeal decision that, although I do not agree with the Council on each main issue, these very circumstances apply in this case.
6. It follows that, despite the limited submissions of the Council in respect of its case, their refusal reasons were not unreasonably vague, generalised nor

inaccurate nor that the Council had prevented or delayed a development which should clearly have been permitted.

Conclusion

7. Unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

H Jones

INSPECTOR