



Costs Decision

Site visit made on 2 August 2023

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2023

Costs application in relation to Appeal Ref: APP/U5930/W/22/3312764 44 Westdown Road, Stratford, Waltham Forest E15 2BZ

- 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 Urban R+D Limited for a full award of costs against Waltham Forest London Borough Council.
 - The appeal was against the refusal of planning permission for development described as 'To refurbish the existing dwelling and erect a new house on the land to the side with a GIA of 99m²'.
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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. The applicant's application for costs is grounded in substantive matters, namely they consider; that the Council prevented development which should clearly be permitted; that the reasons for refusal are based on vague, generalised and inaccurate assertions about the proposal's impact which are unsupported by any objective analysis; and that permission was refused on a planning ground which was capable of being dealt with by conditions.
4. The Council's delegated report sets out at length the site context, planning history, a detailed description of the proposed development, consultations which took place and any responses received and the relevant planning policies and guidance. It then makes a full assessment of the proposal and sets out in clear and extensive detail its concerns, under various headings.
5. The Council then arrives at a clear conclusion and two reasons for refusal, both of which are supported with substantive reasons and relevant development plan policies, having regard to all of the information available to it and other material considerations.
6. I therefore find that the Council substantiated its case on the effect of the proposed development on the character of the area and the living conditions of future occupiers, and therefore find that it did not act unreasonably in coming to its decision in this respect.
7. As can be seen from my appeal decision, a condition requiring landscaping details to be submitted would not overcome the harm the proposal would have

in terms of living conditions. There is nothing within the evidence to indicate how any other planning condition would be capable of overcoming the Council's concerns.

8. Overall, it is clear that there were fundamental disagreements between the parties relating to the merits of the proposal thus the appeal process was unavoidable. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

H Ellison
INSPECTOR