



## Costs Decision

Site visit made on 25 July 2023

**by A Wright BSc (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 30 August 2023**

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### **Costs application in relation to Appeal Ref: APP/Q5300/W/23/3315926 4 & 4a Broomfield Avenue, Southgate, Enfield N13 4JN**

- 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 Mirza Aamir Hussain for a full award of costs against the Council of the London Borough of Enfield.
  - The appeal was against the refusal of planning permission for the erection of a ground floor rear extension, a rear roof dormer, and front roof lights, in association with the amalgamation of the two flats to a single family dwellinghouse.
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### **Decision**

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

### **Reasons**

2. The Planning Practice Guidance (PPG) advises that parties in planning appeals are normally expected to meet their own expenses. Irrespective of the outcome of the appeal, costs may only be awarded against a party which has behaved unreasonably, in either a procedural or substantive way, and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Examples of unreasonable behaviour include preventing or delaying development which should be permitted and failure to produce evidence to substantiate reasons for refusal on appeal.
3. The applicant has applied for full costs on the basis that the Council did not take into account other relevant appeal decisions, or have regard to local established character, and failed to substantiate its reasons for refusal, which caused delay to the development and the wasted expense of making the appeal and the costs application.
4. The Council's Planning Officer's Report (the Report) considered other applicable appeal decisions, including the one for 20 Broomfield Avenue. Whilst I agree with the arguments advanced by the applicant in respect of preserving the character and appearance of the Lakes Estates Conservation Area, the Council considered local character and substantiated its reasons for refusal in the Report, citing relevant Local Plan, London Plan, and national planning policies.
5. An extension of time for the Council to determine the application was agreed by the applicant who was given the opportunity to revise the scheme within this timeframe. As the Council refused the application soon after the applicant confirmed that no revisions would be made, there was not undue delay. Further, parties in planning appeals are normally expected to meet their own expenses.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and the application for an award of costs must fail.

*A Wright*

INSPECTOR