

Costs Decision

Site visit made on 16 August 2023

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 14 September 2023.

Costs Application in relation to Appeal Ref: APP/Y5420/D/23/3323811 Land at 2 & 4 Wellington Avenue, Tottenham, Haringey, London N15 6AS

- 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 H. Friedman for a full award of costs against the London Borough of Haringey Council.
 - The appeal was made against the refusal of planning permission for "*erection of a type 3 loft extension together with a first floor rear extension across number 2 and 4 following recent appeal*".
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Formal Decision

1. I refuse the application for an award of costs against the London Borough of Haringey Council.

Submissions on behalf of Mr H. Friedman (the Appellant)

2. The appellant points out the aims of the costs regime and argues that the Council's decision-making has been inconsistent and unfair. It is submitted that other projects in the local area have had strong similarities to the proposals in this appeal and that they have been granted planning permission whereas this planning application was refused by the Council.
3. It is asserted by the appellant that this amounts to unreasonable behaviour by the local planning authority and that they have not substantiated their reason for refusal in this appeal. Hence, the appellant claims the entire costs of the appeal.

Submissions by the London Borough of Haringey Council.

4. The Council have defended their refusal of planning permission based on the particular context of the appeal site and its surroundings and they have identified other cases where similar decisions had been made, refusing planning permission. They have pointed out differences between this appeal scheme and cases where planning permission has been granted by the local planning authority.
5. The Council refer to the principle that every case must be considered on its own merits and argue that they have justified the refusal of planning permission in this case.

Reasons

6. The 'Planning Practice Guidance' 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.
7. I acknowledge that each proposal must be judged on its own merits and I accept that the Council have distinguished this case from others where planning permission has been granted. Indeed, I have taken account of the location of the appeal site, and of its surroundings in the appeal decision, having regard to the relevant planning policies and guidance, and the appeal has been dismissed.
8. In short, therefore, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the 'Planning Practice Guidance', has not been demonstrated. Hence, I have refused the application for costs against the London Borough of Haringey Council.

RC Shrimplin

INSPECTOR