



Costs Decision

Site visit made on 14 August 2023

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd October 2023

Costs application in relation to Appeal Ref: APP/Q5300/W/22/3309605 Clock Parade, London Road, Enfield, EN2 6JG

- 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 Three Acacia Place Limited for a partial award of costs against London Borough of Enfield.
 - The appeal was against the refusal of planning permission for the development proposed is the redevelopment of site including part demolition and rebuild to create a four-storey building and a part five/part two storey building to comprise 41 net additional residential units with commercial floorspace at ground floor level, an enlarged basement car park, associated refuse and cycle storage and landscaping.
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Decision

1. The application for a partial 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. A successful application for costs needs to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense and parties in the appeal process are normally expected to meet their own expenses.
3. The application is made on procedural grounds. In procedural terms, the applicant considers the Council's failure to meet its deadlines for the submission of the appeal questionnaire and to a lack of an appeal statement. Additionally, the applicant cites concerns surrounding the response from the Environment Agency (EA) and to a failure of the Council to notify the applicant of the objection, no uploading of the document to its website, no reference to the objection from the EA within the decision notice or adequate explanation in the officer report. The instruction by the applicant of a Flood Risk consultant as part of the appeal has also been referenced.
4. The Council's drainage refusal reason (no.5) on its decision notice is complete, precise, specific and relevant to the application. It also clearly states the policies of the development plan which it would be in conflict with. I have little doubt that a statement from the Council would have assisted in the determination of the appeal, but in this instance the officer report was sufficient to substantiate its refusal reason. In the absence of a rebuttal from the Council to this cost claim, I only have the view from one side, which is no fault of the applicant.

5. There is little evidence of communication from either party, between the validated of the application and the decision notice being issued. However, this does not demonstrate a failure of the Council or a refusal to cooperate with the applicant. Although, I consider that it is likely that the applicant received poor customer service, the Council's behaviour falls short of being unreasonable. With regards to the applicant having to instruct a Flood Risk consultant, this occurrence would have been inevitable in any event. I therefore find that the Council's handling of the planning application in respect of procedural matters raised do not amount to unreasonable behaviour.

Conclusion

6. For the above reasons, despite the shortcomings of the Council in it not submitting a statement or rebuttal to this claim, I find that it did not behave unreasonably in terms of the issues identified above. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and a partial award of costs is not justified.

W Johnson

INSPECTOR