



Costs Decision

Site visit made on 20 February 2024

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 March 2024

Costs application in relation to Appeal Ref: APP/Q5300/W/23/3323144 Hereward House, 288 Southbury Road, Enfield EN1 1TR

- 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 Osman Ismail of Lycium Properties Limited for a full award of costs against the Council of the London Borough of Enfield.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for commercial business use 'employment hub', involving the redevelopment of the site for up to seven storeys of mixed use development – basement car parking, retail/ cafe/ offices at ground floor level, offices at first floor level and residential use above.
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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 considers unreasonable behaviour related to the Council not responding to emails or engaging to settle issues while the appellant had done what was asked of them. They feel this caused unnecessary delay and failing to determine the application led to the appeal.
4. PPG provides examples of unreasonable behaviour by local planning authorities, including a lack of co-operation with the other party or parties. Nevertheless, this is in relation to procedural matters at the appeal. It also includes preventing or delaying development which should clearly be permitted.
5. There were some delays in the Council responding to enquiries from the applicant. Notwithstanding this, there was some dialogue, and the Council outlined several areas of concern. Some related to the principle of the development and absence of certain information. While not bound to request additional information, the evidence before me indicates they did seek and accept some additional details during the course of the application.
6. The evidence does not suggest that had the Council determined the application, or that were further discussions to have taken place, that they would have reached a different decision. Therefore, while I can appreciate the frustration that delays may have caused, determining the application would not have prevented an appeal being necessary.

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

Stuart Willis

INSPECTOR