



Costs Decision

Site visit made on 19 February 2024

by C Livingstone MA(SocSci) (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2024

Costs application in relation to Appeal Ref: APP/Y5420/W/23/3328014 39 Bracknell Close, Wood Green, Haringey, London N22 5RE

- 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 Jeffrey Gillet for a full award of costs against the Council of the London Borough of Haringey.
 - The appeal was against the refusal to grant prior approval for an application to determine if prior approval is required for the addition of an additional second floor to provide two extra bedrooms and two bathrooms. The pitch of the roof facing the highway has been maintained at its original pitch but raised up.
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Decision

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

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. In claiming costs of the appeal, the applicant submits that the Council has acted unreasonably. It is asserted that the Council failed to conduct the required procedure for the determination of prior approvals as set out in paragraph AA.3 (5) of Class AA, as they failed to notify each adjoining owner of the development. The applicant considers that the Council have also failed to fully and correctly assess the application based on the information submitted to them.
4. Planning Practice Guidance gives further advice as to when local planning authorities will be at risk of an award being made against them. The examples listed as unreasonable behaviour on procedural grounds include a lack of co-operation with the other party and delay in providing information or other failure to adhere to deadlines. Examples cited as unreasonable behaviour on a substantive basis refer to preventing or delaying development which should clearly be permitted.
5. It is acknowledged that the Council failed to carry out the required notification procedure. However, they state that due to a delay in the validation process, and if they notified each adjoining owner, they would have failed to adhere to the statutory 56 day statutory determination period. The appellant asserts that in failing to notify the owners of adjoining properties they failed to consider the potential for the submission of representations in support of the proposal which may have impacted on the outcome of the application. Nonetheless, the

Officer's report does not find harm in relation to the living conditions of the occupants on neighbouring properties.

6. The appeal provided the owners of neighbouring properties with the opportunity to submit representations in relation to the proposal and, while not a planning matter, both neighbours primarily raised concerns regarding the structural impact of the development. The submitted representations did not raise grounds for support of the development in terms of external appearance. In failing to carry out the required notification procedure, and prioritising adherence to the determination target, the Council did act unreasonably to a degree. However, based on the evidence before me the receipt of representations from the occupants of neighbouring properties would have had a material impact on the officers determination of the application in relation to external appearance.
7. The appellant asserts that the Council incorrectly described the proposed development and failed to take in to account examples of other development in the surrounding area. The Officer report provides a full and detailed assessment of the development, and their description is based on incorrect information provided on the application form. I do not consider this to amount to unreasonable behaviour on the part of the Council.
8. Overall, having considered the full circumstances of the case, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process has not been demonstrated. As such, there is no justification for making a full or partial award of costs.

C Livingstone

INSPECTOR