



Costs Decision

No Site visit.

by M. P. Howell BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2ND MAY 2024

Costs application in relation to Appeal Ref: APP/U5930/X/23/33219563 3 Third Avenue, Waltham Forest, Walthamstow E17 9QJ

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Ms Sabina Mughal for a full award of costs against the Council of the London Borough of Waltham Forest.
 - The appeal was against the refusal of a certificate of lawful use or development for the use of a second floor loft area as one self-contained studio flat.
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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 outlines that the submitted evidence is sufficient for the Lawful Development Certificate (LDC) to be granted, and it should not have been refused. It is also claimed that the ground floor and first floor flats were granted an LDC, so refusing the second floor flat is inconsistent decision making, leading to additional costs due to the appeal having to be made.
4. The Council claims that the decision for the LDC was based on the information submitted with the application, which amounted to plans¹ submitted with the application. They claim the application did not include the additional evidence submitted with the appeal. The LDC's granted for the ground and first floor flat were granted in 2002, based on their being two flats at that time. The approval in 2002 is a separate decision where its assessment was made on its own merit. The Council claim that this is not inconsistent decision making.
5. Whilst I appreciate that the outcome of the application will have been a disappointment to the applicant, the Council were not unreasonable in coming to their decision. They have demonstrated that the information submitted with the application was limited and did not include the supporting evidence included with the appeal submissions. Even if the Council agreed that the additional information submitted with the appeal was sufficient to overcome their concerns, I would still have had to determine the appeal. Accordingly, the appeal following the refusal could not have been avoided.

¹ Site Location Plan Undated Block Plan T1-04 Dated: August 2022, Plans T1-01 Dated: August 2022, Elevations T1-02 Dated: August 2022, Elevations T1-03 Dated: August 2022.

6. The applicant has referred to previous decisions for the flats at ground and first floor on the same address. However, I do not have the full details of these cases, so it is difficult to directly compare. In this respect, I have insufficient information to determine if the Council's decision to refuse this LDC was inconsistent with the cases highlighted.
7. I, therefore, conclude that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

M. P. Howell

INSPECTOR