



Costs Decision

Site visit made on 16 January 2024

by David English BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd May 2024

Costs application in relation to Appeal Ref: APP/U5930/W/23/3327521 342 Grove Green Road, Leytonstone, Waltham Forest E11 4EA.

- 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 Rajesh Patel for a full award of costs against Waltham Forest London Borough Council.
 - The appeal was against the refusal of planning permission for a change of use to rear ground floor from Class E to Class C3, single storey rear extension to ground floor and first floor rear extension to provide single dwelling. Loft conversion and dormer construction and subdivision of existing unit.
-

Decision

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

The submissions for Mr Rajesh Patel

2. The Council acted inappropriately in applying the reasons for refusal, failed to accurately measure the submitted drawings and did not engage with the applicant during the decision-making process.

The response by Waltham Forest London Borough Council

3. It was reasonable for the Council to conclude that the proposal would be unacceptable for the reasons given and that appropriate reference has been made to relevant development plan policies which support the reasons for refusal. The Council has provided sufficient evidence to support its reasons for refusal.

Reasons

4. 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.
5. The Council's delegated report sets out the site context, planning history, a detailed description of the proposed development, consultations which took place and the responses received, and the relevant planning policies extant at the time of its decision. It then makes a full assessment of the proposal and sets out in some detail its concerns, under various headings. The Council then arrives at a clear conclusion and provides reasons for refusal which are supported with relevant development plan policies.
6. The Council refused the planning application because it was contrary to the provisions of the development plan and provided reasons for this. Whilst I disagree with the Council on some matters of judgement, as I have explained

in my appeal decision, the Council did nevertheless set out why, on planning grounds, it considered the proposal to be unacceptable. As can be seen in my appeal decision, I too have found conflict with the development plan, read as a whole. As such, there is no evidence before me to demonstrate that the Council's decision constituted fundamentally unreasonable behaviour.

7. I note the applicant's frustration at what is claimed to be a lack of dialogue stemming from the Council's failure to engage in discussion. However, it remains the case that little substantive evidence has been presented to justify the criticism made about the Council's measurement of the plans.
8. Notwithstanding my decision on the appeal in respect of the character and appearance of the area and some of the requested planning obligations, I do not find it unreasonable for the Council to have reached the conclusion it did based on its development plan policies and the totality of matters raised in representations. The Council was required to give due regard to those representations, to which it was entitled to apportion the weight it considered appropriate having regard to all relevant matters.
9. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

David English

INSPECTOR