



Costs Decision

Site visit made on 9 July 2024

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 16 August 2024

Costs application in relation to Appeal Ref: APP/Y5420/W/23/3332190 17 Sirdar Road, Wood Green, Haringey, London N22 6QP

- 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 George Karaolis of Ack Beta Ltd for a full award of costs against the Council of the London Borough of Haringey.
- 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 the sub-division of site, demolition of existing garage and construction of a new dwelling containing 4x 1-bed flats, comprising of a basement level and 3 above-ground levels with associated cycle and bin storage.

Decision

1. The application for an award of costs is allowed in the terms set out below.

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 PPG also advises that in any appeal against non-determination the local planning authority should explain their reasons for not reaching a decision within the relevant time limit and why permission would not have been granted had the application been determined. The PPG goes further to state "If an appeal in such cases is allowed, the local planning authority may be at risk of an award of costs, if the Inspector or Secretary of State concludes that there were no substantive reasons to justify delaying the determination and better communication with the applicant would have enabled the appeal to be avoided altogether."
4. The Council acknowledge a formal decision should have been issued but state the option to withdraw would have been a better offer as there would have been too many reasons for refusal. I do not consider that the option to withdraw the application represents a substantive reason why a decision could not have been issued.
5. I acknowledge that the applicant requested additional time to submit evidence to support their planning application following the target determination date. However, the Council only provided the applicant with consultee comments and an overall assessment of the scheme on that target determination date. It was in response to these comments that the applicant wanted to submit further evidence. In this instance, it would be unreasonable to expect the applicant to provide evidence in a timelier manner. Furthermore, once the additional

information was provided, the Council did not acknowledge it or issue a decision. This is despite over two months passing and the applicant requesting a decision be issued, even if it was a refusal. This represents a lack of co-operation on behalf of the Council.

6. Other than in the rebuttal to the cost application, the Council has not provided putative reasons for refusal or sought to explain why permission would not have been granted if they had issued the decision. Instead, they have relied upon the applicant providing a copy of the correspondence which took place during the planning application.
7. For the reasons given above and in accordance with the PPG, I conclude that the Council has acted unreasonably.
8. As per my appeal decision, I have concluded that the appeal should be dismissed, and planning permission should not be granted. However, the proposal's effect on the living conditions of neighbouring residents is the only reason why it is unacceptable. With the limited evidence available to me, I cannot conclude that even if the Council had engaged proactively with the applicant that they would not have come to a similar conclusion.
9. I therefore conclude that the appellant has incurred unnecessary and wasted expense in producing appeal representations to address concerns which either do not represent reasons for refusal or could have been easily addressed during the planning application and prior to the target determination date if the applicant had been sent consultee comments in a timelier manner.
10. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred in respect of producing appeal representations in relation to all matters other than the effect of the proposal on the living conditions of neighbouring residents and a partial award of costs is therefore warranted.

Costs Order

11. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the Council of the London Borough of Haringey shall pay to George Karaolis, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in producing appeal representation in relation to all matters other than the effect of the proposal on the living conditions of neighbouring residents; such costs to be assessed in the Senior Courts Costs Office if not agreed.

The applicant is now invited to submit to the Council of the London Borough of Haringey, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

J Hobbs

INSPECTOR