
Costs Decision

Site visit made on 6 November 2024

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2024

Costs application in relation to Appeal Ref: APP/Q5300/X/22/3312923 353 Lincoln Road, Enfield EN3 4AD

- 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 Mr Joe Das for a full award of costs against London Borough of Enfield.
 - The appeal was against the refusal of a certificate of lawful use or development for the use of property at 353 Lincoln Road, Enfield, Middlesex, EN3 4AD as two self-contained Flats.
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Decision

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

Reasons

2. 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. An application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
3. The PPG confirms that the aim of the costs regime is, amongst other things, to encourage all involved in the appeal process to behave in a reasonable way and follow good practice, both in terms of timeliness and in the presentation of full and detailed evidence to support their case.
4. The applicant claims that the Council acted unreasonably in so far as they may not have had regard to all evidence submitted with the application. In particular, the applicant highlights that not all of the application documents are uploaded on the Council website. As such, the applicant considers that the Council neglected to take into consideration all of the evidence submitted, which has resulted in them incurring unnecessary and wasted expense dealing with this appeal.
5. It will be seen from my decision that on the balance of probability, I agree with the applicant that the building has been continuously used as two self-contained flats for at least 4 years prior to the date of the LDC application. Nevertheless, the Council did have regard to all of the evidence submitted, which is mentioned in the Officers Report for this LDC application. The Council

have clarified that some of the evidence was confidential and therefore not displayed on their website for public viewing.

6. As such, no unreasonable behaviour has occurred, and the applicant has not been put to any unnecessary or wasted expense dealing with this appeal.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. As such, the applicants claim for costs fails.

R Satheesan

INSPECTOR