



Costs Decision

Site visit made on 7 April 2025

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 May 2025

Costs application in relation to Appeal Ref: APP/U5930/W/24/3355146 215 Forest Road, London, E17 6HE

- 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 Mrs Joana Neza for a full award of costs against the Council of the London Borough of Waltham Forest.
 - The appeal was against the refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for conversion of floorspace at first and second floor level, and entrance hall and staircase at ground floor level to one self-contained residential unit (1 x 2-bed) (Use Class C3).
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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 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. Unreasonable behaviour on the part of a Council may include failure to produce evidence to substantiate each reason for refusal, preventing or delaying development which should clearly be permitted; not determining cases in a consistent manner and not following well-established case law.
4. The costs application is made on the basis that the Council has acted unreasonably in refusing the prior approval application. The applicant suggests that the Council's reason for refusal is contrary to well-established case law and fundamental planning principles relating to the definition of a planning unit and/or a mixed use. Furthermore, the applicant suggests that the Council based their decision on a previous appeal¹ that is materially different to the appeal proposal.
5. A prior approval application, similar to the appeal proposal was refused by the Council in June 2024². Therefore, the Council have been consistent in refusing that application and the appeal proposal insofar as both decisions state that the proposed development would not be permitted development under Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

¹ APP/C5690/W/20/3248680

² Council Ref: 240947

6. Whilst the reasons given differed in each case, this was in part, due to the Council having regard to additional information provided by the applicant in relation to the appeal proposal. Even though my appeal decision disagrees with the Council's reasons, the Council's approach was explained within its evidence.
7. Any failure of the Council to have regard to any specific case law is not apparent from the evidence before me. Moreover, I do not agree that the Council's rationale for its decision was based on the previous appeal alone.
8. Overall, the Council did substantiate its reason for refusal, and given that I have dismissed the appeal the Council did not prevent or delay development which should clearly have been permitted. Ultimately, the need to appeal the decision would not have been avoided and therefore unnecessary or wasted expense has not been incurred by the applicant.

Conclusion

9. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated by the applicant. Consequently, the application for an award of costs is refused.

H Marriott

INSPECTOR