



Costs Decisions

Site visits made on 14 April 2025

by **C Harding BA (Hons) PGCert PGDip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 June 2025

Costs application A in relation to Appeal A Ref: APP/U5930/W/24/3352592

Health Centre, 36a Hurst Road, Walthamstow, Waltham Forest E17 3BL

- 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 Shivisi Investments Ltd for a full award of costs against the Council of the London Borough of Waltham Forest.
- The appeal was against the refusal to grant prior approval required under Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of Class E space to form 2 apartments.

Costs application B in relation to Appeal B Ref: APP/U5930/W/24/3352587

Health Centre, 36a Hurst Road, Walthamstow, Waltham Forest E17 3BL

- 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 Shivisi Investments Ltd for a full award of costs against the Council of the London Borough of Waltham Forest.
- The appeal was against the refusal to grant prior approval required under Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of Class E space to form 15 apartments.

Costs application C in relation to Appeal C Ref: APP/U5930/W/24/3352594

Health Centre, 36a Hurst Road, Walthamstow, Waltham Forest E17 3BL

- 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 Shivisi Investments Ltd for a full award of costs against the Council of the London Borough of Waltham Forest.
- The appeal was against the refusal to grant prior approval required under Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of Class E space to form 1 apartment.

Decision

1. Applications A, B and C for an award of costs are refused.

Preliminary Matters

2. As set out above there are three applications for costs on this site. They relate to proposals which are similar, as are the specific claims of unreasonable behaviour identified by the applicant. I have considered each application on its individual circumstances. However, to avoid duplication I have dealt with the applications together, except where otherwise indicated.

Reasons

3. 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.
4. It is stated that the Council acted unreasonably in failing to correctly interpret appropriate legislation, and in doing so, preventing or delaying much needed development that should clearly have been permitted. It is also stated that it acted unreasonably in refusing one of the relevant applications on the basis of a matter that could have been resolved by means of a minor revision.
 5. Although I have found in the applicant's favour in relation to the interpretation of Schedule 2, Part 3, Class MA of the GPDO, it does not necessarily follow that the Council's interpretation was an unreasonable one. The Council was not bound to follow the written advice of King's Counsel provided by the applicant and it is evident that it sought its own legal advice. While it isn't clear what form this legal advice took, it nevertheless indicates that the Council considered its interpretation of the GPDO carefully.
 6. Moreover, there was no guidance from the courts put before either the Council or myself in relation to the interpretation of the GPDO in this specific respect. While this may be because no such relevant case law exists, it further indicates that the Council was reasonably entitled to form its own view, having regard to its own legal advice. In doing so, it did not act contrary to, or not following, well-established case law, nor did it prevent or delay development that should clearly have been permitted.
 7. In relation to the additional reason for refusal relating to Appeal B, the Council acknowledged that this issue was no longer a matter of dispute on the basis of the amended drawing within its appeal statement. Given the restricted timescales of the prior approval process, it was understandable that the Council did not seek to limit the areas of disagreement prior to determination, particularly as it did not consider the proposal to amount to permitted development in any event.
 8. Furthermore, it is likely that this matter would have had to be addressed, even if the Council had considered the relevant proposal to otherwise amount to permitted development. Therefore, the appellant has not been put to unnecessary expense in providing the relevant amended drawing at the appeal stage.
 9. Overall, therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

C Harding

INSPECTOR