

Costs Decision

Site visit made on 27 June, 2017

by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18th June, 2017

Costs application in relation to Appeal Ref: APP/B5480/W/17/3170325 Fishing Lake, Bramble Lane, Upminster, RM14 2XL

- 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 Ian Gibson for a full award of costs against the Council of the London Borough of Havering.
 - The appeal was against the refusal of the Council to grant subject to conditions planning permission for landscape improvement works to existing fishing lake.
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Decision

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

Reasons

2. 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. The applicant's grounds for applying for costs are substantive. The application was refused by Members, against the recommendations of officers, and the applicant accepts that they are entitled to do so, but is however concerned that the reasons given for refusal were not clear and based on an objective analysis of the proposal.
4. The Council has indicated in its appeal statement that there was a conversation by Members in which they attached different weight to the potential harm arising from the proposal from that identified in the officer's report. The statement sets out Members' consideration that the widened pathway would have an urbanising effect on an area of generally rural character, and that it would have a materially adverse impact on the visual amenities of the Green Belt. It is also clear that Members gave consideration to the effects of the proposal on the living conditions of neighbouring occupiers in relation to the Council's second reason for refusal.
5. Although, therefore, I have in my decision on the appeal reached different conclusions from the Council in relation to these issues, it appears to me, on the basis of the information before me, that the reasons for refusal given are based on an objective analysis of the effects of the proposal, and that unreasonable behaviour has not been demonstrated.

S J Buckingham

INSPECTOR
