
Costs Decision

Site visit made on 27 July 2017

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 7th August 2017

Costs application in relation to Appeal Ref: APP/W5780/D/17/3175916 34 Parklands Close, Newbury Park, Ilford IG2 7QR

- 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 Dhiresan Gadiagellen for a full award of costs against the Council of the London Borough of Redbridge.
 - The appeal was against the refusal of planning permission for loft conversion.
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Decision

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

Reasons

2. Paragraph 030 of the National Planning Policy Guidance (NPPG) advises that, irrespective of the outcome of the appeal, 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. Paragraph 049 of the NPPG states that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter at appeal. Examples of this include preventing or delaying development which should clearly be permitted having regard to its accordance with the development plan, national policy and any other material considerations.
4. In this case the appellant's view is that the Council acted unreasonably by refusing a scheme which is very similar to one allowed at appeal at No 31 Parklands Close¹. However, as noted in my decision, as this earlier scheme complied with local policy in terms of size, issues around the effect of this proposal on local character were not of concern. As the only issue in the present case related to its size these cases are not directly comparable. Therefore this is not a precedent and cannot be regarded as a material consideration in the determination of the present case. Accordingly the Council did not act unreasonably refusing a scheme in which clear policy conflicts are evident.
5. The fact that the Council was troubled by the previous Inspectors decision in a case which addressed different issues does not in itself indicate unreasonable behaviour in the present case.

¹ APP/W5780/D/16/3143458

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the NPPG, has not been demonstrated.

AJ Mageean

INSPECTOR