
Costs Decision

Site visit made on 1 October 2019 by Emma Worby BSc (Hons)

by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th November 2019

Costs application in relation to Appeal Ref: APP/B5480/D/19/3231736 29 South View Drive, Upminster RM14 2LL

- 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 Tappin for a partial award of costs against the Council of the London Borough of Havering.
 - The appeal was against the refusal of planning permission for the erection of a detached outbuilding to be used as a granny annexe for an elderly relative.
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Decision

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

Appeal Procedure

2. The site visit was undertaken by an Appeals Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the costs application.

Reasons for the Recommendation

3. 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. The appellant believes that the wrong fee was charged for the original planning application (ref P1891.18) and would like to claim this back from the Council. However, the PPG clearly states that costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceeding and not for the period during the determination of the planning application. Therefore, even if the wrong fee was charged for the application, as this is a cost incurred during the determination of the planning application, this could not result in a procedural award of costs at this appeal stage.
5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. For this reason, an award for costs is not justified.

Conclusion and Recommendation

6. For the reasons given above and having had regard to all other matters raised, I recommend that an award of costs of refused.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

7. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis an award of costs is refused.

Andrew Owen

INSPECTOR