
Costs Decisions

Site visit made on 15 January 2020

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2020

Costs application in relation to Appeal Ref: APP/J1535/Y/19/3233920 Hainault Hall, 173 Lambourne Road, Chigwell IG7 6JU

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr A Singh for a full award of costs against Epping Forest District Council.
 - The appeal was against the refusal of listed building consent to vary a condition on a previous consent for a pool and gym building.
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Costs application in relation to Appeal Ref: APP/J1535/W/19/3233921 Hainault Hall, 173 Lambourne Road, Chigwell IG7 6JU

- 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 A Singh for a full award of costs against Epping Forest District Council.
 - The appeal was against the refusal of planning permission for a pool and gym building in non-compliance with a condition imposed on a previous permission.
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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. Although the appeals concerned a revised scheme for a building that had already been permitted, it is fair to assume there has to be a point where the impact of cumulative revisions would mean the resultant building would harm the significance of Hainault Hall. Whether or not such a point has been reached is a matter of planning judgement. While I disagreed with the Council on the judgement it came to in this case, I nonetheless find, on the merits of the scheme, that it did not act unreasonably in reaching such a view.
4. Despite the advice in the *National Planning Policy Framework*, although finding harm to the Hall the Officer Report does not explicitly consider any public benefits from the scheme. However, based on what is before me I consider that the benefit to the listed building of no longer forming the basement was not strongly made in the appellant's case at application stage. Its value is not

apparent from the Heritage Statement. This just says that the omission of this aspect would avoid excavation near a listed building, though does not elaborate on why this would be beneficial. It is referred to in more detail in the Design and Access Statement but even there it states only that it would benefit the listed building and, as a trade-off, should be taken as a strong material consideration in the determination of the planning application. In neither instance were the concerns about structural damage emphasised and no evidence to that effect was forthcoming. Indeed, even in these appeals there was limited information before me on this point.

5. Therefore, whilst the Council should have made reference to public benefits, even if that was to confirm it considered none existed, I understand why it failed to place great weight on the omission of the basement in this scheme.

Conclusions

6. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the *Planning Practice Guidance*, has not been demonstrated. As such, I conclude the application for an award is refused.

JP Sargent

INSPECTOR