
Costs Decision

Site visit made on 26 August 2020

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 September 2020

Costs application in relation to Appeal Ref: APP/W5780/D/19/3241540 100 The Drive, Ilford IG1 3JH

- 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 Atif Bhatti for a full award of costs against the Council of the London Borough of Redbridge.
 - The appeal was against the refusal of an application under a development order for a single storey rear extension of 6 meters and height 4 metres under permitted development rules; to extend kitchen, add bathroom and utility room.
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Decision

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

Reasons

2. Planning Practice Guidance advises that irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and therefore caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The application for costs is based upon belief that the prior approval application should have been approved, that the Council did not ask for clarification, that the Council had previously approved exactly the same application, and that considerable inconvenience has been caused by the Council's actions.
4. It will be evident from my decision on the main appeal that I consider that the Council determined the application correctly and that the proposal is not permitted development. The Council did not need to seek clarification to determine the application, but I note that the Council's report states the matter has been discussed with the applicant and guidance as to what is required elaborated upon. The previous approval of the application would appear to have been made in error.
5. I therefore conclude that there has not been unreasonable behaviour resulting in inconvenience for the applicant arising from the Council's actions on the current appeal. An award of costs is therefore not justified.

Rory MacLeod

INSPECTOR