
Costs Decision

Site visit made on 10 November 2020 by Emma Worby BSc (Hons) MSc

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2020

Costs application in relation to Appeal Ref: APP/W5780/D/20/3255324 48 Tavistock Gardens, Seven Kings, Ilford IG3 9BE

- 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 Hassan Masood 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 a first floor and roof extension.
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Decision

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

Appeal Procedure

2. An Appeal Planning Officer has set out the recommendation below, to which the Inspector has had regard before deciding the application.

Reasons for the Recommendation

3. 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.
4. On procedural grounds, the applicant has highlighted a lack of cooperation from the Council as there was no contact from the Planning Officer during the determination of the application to allow amendments to the proposal or to withdraw the application. The National Planning Policy Framework advises Councils to work proactively with applicants, and it has been confirmed that the Council do offer a pre-application advice service for applicants to discuss any submissions which it may not have time for during the application process. While no negotiations were undertaken during the applications consideration, their approach to encourage pre-application advice is not an unreasonable approach to take, and is not inconsistent with the Framework.
5. On substantive grounds, the applicant suggests that the Council have prevented development which should clearly have been permitted having regard to its accordance with the development plan by not interpreting its policies with due care. Whilst I appreciate that I have found the proposal acceptable and the appeal has been allowed, the Council were not unreasonable in coming to their decision and sound planning reasons were given for the refusal of the planning application against the relevant policies within the development plan. Therefore, the Council did not act unreasonably.

6. Therefore whilst I note the costs incurred by the appellant, I find that it has not been demonstrated that these have resulted from unreasonable behaviour on behalf of the Council as described in the Planning Practice Guidance. For this reason, an award for costs is not justified.

Conclusion and Recommendation

7. 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

8. 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