
Costs Decision

Site visit made on 14 and 15 February 2021

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2021

Costs application in relation to Appeal Ref: APP/W5780/W/20/3260095 Madeira Grove Clinic, 8 Madeira Grove, Woodford Green, IG8 7QH

- 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 Richard Rains, (London and City Properties PLC) for a full award of costs against London Borough of Redbridge Council.
 - The appeal was against the refusal of the Council to grant planning permission for demolition of existing building to provide nine flats (4x1bedrooms and 5x2bedrooms) with associated landscaping without complying with a condition attached to planning permission Ref 1158/20, dated 19 June 2020.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. 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.
3. The PPG sets out the circumstances where an award of costs may be made against a local planning authority. These include imposing conditions which are not necessary, relevant to planning and the development to be permitted, enforceable, precise and reasonable in all other respects, and thus do not comply with the National Planning Policy Framework.
4. As explained in my decision, I consider the disputed condition to be unreasonable given that there is no residents parking permit scheme currently in place. Only very limited weight can be given to a proposed future consultation on a possible parking permit scheme that may or may not go ahead. I have also found the condition to be unnecessary for the reasons given by the council on the basis that there is no evidence the development would increase parking stress, appropriate on site car and cycle parking would be provided and the site is in a highly sustainable and accessible location, therefore future occupiers of the flats would not require a car.
5. The council has failed to produce adequate evidence to justify the need for condition 7. The appellant has incurred expense by having to use the appeal process to remove the condition, which I have found to be neither reasonable nor necessary.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a full award of costs is justified.

Costs Order

7. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that London Borough of Redbridge Council shall pay to Mr Richard Rains, London and City Properties PLC, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
8. The applicant is now invited to submit to London Borough of Redbridge Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Rachael Bartlett

INSPECTOR