



Costs Decision

Site visit made on 26 February 2021

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2021

Costs application in relation to Appeal Ref: APP/B5480/W/20/3257440 28 Elm Grove, Hornchurch RM11 2QX

- 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 M Atwal for a full award of costs against the Council of London Borough of Havering.
 - The appeal was against the refusal of the Council to grant planning permission for erection of a two-storey, four bedroom dwelling and a detached garage to the rear of 28 Elm Grove.
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Decision

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

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. Examples set out in the PPG of unreasonable behaviours by local planning authorities include preventing or delaying development which should clearly be permitted having regards to its accordance with the development plan, national policy and any other material considerations. The case made by the appellant is that the Council failed to issue an approval for an application that was acceptable in planning terms.
4. The Reasons for Refusal set out in the Council's decision notice were complete, specific and relevant to the application. They also clearly stated the policies of the Havering Core Strategy and Development Control Policies Development Plan Document (2008) that the proposal would conflict with. I found the Reasons to be adequately substantiated by the Council in its delegated officer report. For the reasons I give in my appeal decision I concur with the Council that the proposed new dwelling to the rear of No.28 Elm Grove would cause harm to the character and appearance of the host dwelling, the street scene and Emerson Park. I further found that these adverse impacts would significantly and demonstrably outweigh the benefits of the proposal.
5. I therefore find that in exercising their planning judgement the Council had reasonable concerns about the impact of the development which justified its

decision, and the appeal could not have been avoided. I also agree with the Council that forming a contrary view to that of the appellant does not in itself constitute unreasonable behaviour.

6. As a consequence, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, the application for costs is refused.

R. Jones

INSPECTOR