



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: 19 May 2021

Costs application in relation to Appeal Ref: APP/B5480/W/20/3258946 57 Osborne Road, Hornchurch RM11 1EX

- 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 C Aulluck for a full award of costs against the Council of the London Borough of Havering.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for a proposed granny annex in rear garden.
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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. The case for the appellant is that the Council have acted unreasonably by not engaging, during the course of determination of the application, with the appellant or his agent and not issuing a decision. I have been provided with, and read, correspondence over a number of weeks from the appellant's agent which shows a concerted effort to engage with the Council. From this it is clear, there was some communication, albeit limited, from the Council's Officer.
4. The Council have explained in their response that a site visit was undertaken in early March 2020 with the appellant and his agent where it was explained that amendments to the proposal would be likely to be required. Unfortunately, the site visit was proceeded by Covid-19 and changes in working practices at the Council which, they explain, led to the significant delay experienced.
5. Whilst I understand the frustration and upset that this delay has caused, the restrictions resulting because of Covid-19 have been largely outside the control of the Council. The Council have explained why they failed to determine the application within the time limits and have clearly and precisely outlined in the Delegated Officer Report why planning permission would not have been granted should the application have been determined.
6. In this instance, it would be unreasonable of me to find that the delay amounted to unreasonable behaviour resulting in unnecessary or wasted

expense, as described in the Planning Practice Guidance. Therefore, the application for costs is refused.

R. Jones

INSPECTOR