



Costs Decision

Site visit made on 11 May 2021

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 May 2021

Costs application in relation to Appeal Ref: APP/B5480/W/20/3262457 Car park to Holgate Court, Slaney Road, Romford, London RM1 3JZ

- 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 Ian Stephenson for Tintbrand for a full award of costs against the Council of the London Borough of Havering.
 - The appeal was against the refusal of the Council to grant planning permission for the erection of an 8-storey residential block comprising 10x1 bed flats and 6x2 bed flats.
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Decision

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

Reasons

2. The Planning Practice Guidance (the PPG) sets out that parties in planning appeals are expected to behave reasonably. It goes on to say that where a party has behaved unreasonably, and that unreasonable behaviour has caused unnecessary or wasted expense in the appeal process, they may be subject to an award of costs. The PPG sets out examples of behaviour which may give rise to an award of costs against the Council.
3. The applicant suggests that the Council has behaved unreasonably by taking an excessive amount of time to determine the application, then failed to deal solely with the matters required under the outline application. The applicant suggests that unnecessary or wasted expenses were then incurred by having to appeal the refusal.
4. It appears that during the determination of the application, issues were raised around ownership of the site, the relationship of the proposal to the planning unit and the accuracy of some parts of the submission. These clearly took time to resolve. I note that the applicant agreed to an extension of time during the application process.
5. Notwithstanding that, the PPG also sets out that although the behaviour of parties at the time of the application can be taken into account, costs cannot be claimed for the period during the determination of the planning application. In addition, the encouragement for all parties to behave reasonably to support an efficient and timely process in the relevant section of the PPG, to which the applicant refers, relates to the appeal process.
6. I turn now to the allegation that the Council failed to deal solely with the matters required under the outline application. I agree that a number of the reasons for refusal were based on matters of detail, and I have not addressed these in my main Decision for the reasons set out within it. However, I do not

find that the actions of the Council in doing so were unreasonable on the basis of the information presented by the applicant. As I have noted, a somewhat confusing picture was painted by both parties as to the status of the detailed information submitted with the application. Whilst I have reached a view on this in my main Decision, I consider that the applicant's approach to the original application, submitting updated indicative plans and statements, contributed to this situation. With specific regard to the appeal process, given the applicant's certainty that the application was made in outline with all matters reserved, I find their decision to then address matters of detail in their appeal submission inconsistent with this position.

7. It is clear from my main Decision that a significant main issue remained between the parties, and that the decision of the Council in that respect was not therefore unreasonable.

Conclusion

8. I therefore find that during the appeal the Council did not demonstrate behaviour which could be considered unreasonable in the terms of the PPG, and which then resulted in unnecessary or wasted expense on the part of the applicant.
9. The application for an award of costs is therefore refused.

S Dean

INSPECTOR