
Costs Decision

Site visit made on 21 July 2021

by R Bartlett PGDIP URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2021

Costs application in relation to Appeal Ref: APP/B5480/D/20/3262464 60 Brooklands Road, Romford, RM7 7EB

- 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 L Nwanemuogh for a full award of costs against the London Borough of Havering Council.
 - The appeal was against the refusal of the Council to grant planning permission for the erection of a one bedroom two-storey dwelling.
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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. The applicant has listed a number of grounds from the PPG that may constitute unreasonable behaviour. However, no evidence has been provided to demonstrate how the council failed to follow good practice, timeliness, to present their case, to defend their reasons for refusal or to properly exercise their development management responsibilities.
4. Whilst I have not been provided with the details of previous applications on the site, it is evident that previous schemes have been refused by the council on similar grounds to the current proposal and that this latest re-submission has failed to address those concerns.
5. Although I have reached a different conclusion to the council in relation to car parking, due to a recent update of the London Plan and the absence of any evidence to suggest that the low level of parking would be detrimental to highway safety, this was a finely balanced matter and the council's decision was based upon the policies and guidance in place at that time. This has not resulted in any unnecessary or wasted expense to the applicant.
6. The PPG is clear that all parties in planning appeals will normally be responsible for meeting their own expenses. The refusal of planning permission alone, for reasons that I have found to be well founded, does not constitute unreasonable behaviour.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Rachael Bartlett

INSPECTOR