



Costs Decision

Site visit made on 6 September 2021

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2021

Costs application in relation to appeal ref. APP/W5780/D/21/3275215 Land at 62 Uplands Road, Woodford Green IG8 8JN

- 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 Volodymyr Sokulskyy for a full award of costs against the Council of the London Borough of Redbridge.
 - The appeal was made against the refusal of planning permission for “*Two Storey Rear Extension and Loft Conversion*”.
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Costs decision

1. The application for a full award of costs is refused.

Reasons for the costs decision

2. On a point of clarification, I should say that of the 2 versions of the applicant’s surname that appear on the costs application, in the heading above I have used the one that corresponds to the one given on the planning appeal and planning application forms.
3. The Government’s Planning Practice Guidance (the Guidance) advises that all parties in appeals are expected to behave reasonably to support an efficient and timely process and that where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.
4. This application for costs has been considered on its merits in the light of the costs advice found within the Guidance, the appeal papers, the costs correspondence and all the relevant circumstances relating to the planning application and to the appeal. The parties are also referred to my appeal decision.
5. No commentary is actually offered by the parties to cross-reference the specific facts of the case to the Guidance. This application for an award of costs could be said to be made on a procedural basis, relating to the appeal process and taking into account behaviours and actions at the time of the application and on a substantive basis, relating to the planning merits of the appeal.
6. The applicant is critical of the Council for not entering into any dialogue with his agent during the course of the application. However, the Council is encouraged by the National Planning Policy Framework (the Framework) to make decisions on planning applications as quickly as possible and within statutory timescales. Having found that the scheme did not comply with the development plan, the Council was entitled to reach a decision ahead of the target decision date. The

Framework also encourages potential applicants to seek pre-application advice and the Council follows a policy whereby the only circumstance where amendments and time extensions would be accepted is if the applicant had sought the pre-application services available or entered into a Planning Performance Agreement and only under appropriate situations. The applicant chose not to use these services which are designed to be beneficial to all parties and the planning process more generally, whether a site falls within a conservation area or not.

7. The Council exercised its duty to determine the planning application in a reasonable manner. There is therefore no procedural basis for an award of costs against the local planning authority.
8. The Council's reason for refusing planning permission did not lack substance or objectivity. The Council's written delegated report was supported by various planning facts with reference being made to relevant development plan policies and a supplementary planning document. In my appeal decision it will be seen that the reason for refusal stood up to scrutiny on the planning merits of the case. The Council's approach to the available facts did not fully match any of the types of behaviour listed in the Guidance that may give rise to a substantive award against a local planning authority.
9. In particular, the Guidance advises that where a local planning authority has refused a planning application for a proposal that is not in accordance with the development plan policy, and no material considerations including national policy indicate that planning permission should have been granted, there should generally be no grounds for an award of costs against the local planning authority for unreasonable refusal of an application. That is plainly the scenario before me in this case, such that there is no substantive basis for an award of costs against the local planning authority.
10. This application for costs falls short of demonstrating that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has occurred. An award of costs is not justified.

Andrew Dale

INSPECTOR