



Costs Decision

Site visit made on 15 April 2021

by A Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 23 September 2021

Cost application in relation to Appeal Ref: APP/W5780/W/20/3259752 1018 High Road, Romford RM6 4BA

- The application is made under the Town and County Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Lonergan for a full award of costs against the London Borough of Redbridge Council.
 - The appeal was against the refusal of planning permission for loft conversion with a rear dormer, two front roof lights and internal alterations.
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Decision

1. The application for a full 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 planning process.
3. The Council have stated that the initial application was invalid due to an inaccurate block plan of the site being provided initially and through the failure of Certificate B of the application form being filled in correctly. As such the application was delayed until this information had been submitted on 2 April 2020. The LPA admit however, that following this information being received the application was not formally validated until 14 July 2020 and as such there would appear to have been a 12 week delay between this information being received and the application being finally validated.
4. I am unable to determine the precise reasons why the delay of 12 weeks occurred. I suspect this may be due to the ongoing COVID 19 restrictions although this has not been raised by the LPA as a reason. Nevertheless, I do not consider that the delay incurred caused the appellant such costs in order to chase this application that would constitute unreasonable behaviour by the LPA. Indeed, the fact that the Council attempted to request revisions to this scheme at an early stage suggests that it attempted to be anything but unreasonable in its dealing with this application.
5. Moreover, I have no evidence before me as to any significant extra costs incurred by the Appellant through this delay in making a decision other than the costs of sending two emails in order to remind the LPA on 29 May 2020 and 8 July 2020. In any case I consider that following the expiry of the 8 week application period, the appellant would have been at liberty to have appealed against Non Determination on this basis but decided not to do so.

6. In light of this, although I consider that the delay in validating this application would have caused frustration, I have no evidence of unreasonable behaviour occurring, especially when taking into account national circumstances that prevailed in 2020. For this reason, and having regard to all other matters raised, an award for costs is not therefore justified.

A Graham

INSPECTOR