



Costs Decision

Site visit made on 28 October 2021

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31/01/2022

Costs application in relation to Appeal Ref: APP/B5480/W/21/3268701 13 Burntwood Avenue, Hornchurch RM11 3JD

- 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 Jamie Atkins of Vera Acquisitions for a full award of costs against the Council of the London Borough of Havering.
 - The appeal was against the refusal of planning permission for 1 x three storey, 6-bed detached dwelling, 3 x three storey, 5-bed detached dwellings, with associated parking and amenity space involving demolition of existing care home.
-

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 appellant states that what has led to their costs application is the manner in which previous schemes have been assessed. They submit that there is no clear account of how the proposal would cause harm to neighbouring properties. In particular, they consider that the arrangement of plot 4 would be preferable to previous proposals.
4. The Council Officer's report sets out the planning history for the site where a number of outline planning permissions have been granted, compared to the appeal proposal which has been submitted in full. The reasons given for the call-in by a Councillor also refers to this extensive planning history and the sizes of the dwellings proposed.
5. Although the Council's Statement of Case is relatively brief, it sets out the Council's concerns about the projection of the development closer to properties to the north and the introduction of accommodation above the first floor. These issues represent a material change from the details considered in respect of previous outline proposals. The Council also refers to proposed balconies (which I have assessed as terraces at first floor level in my Appeal Decision) and the context of neighbouring gardens, which reflects comments made by third parties. I am also mindful that the previous permissions for housing development were in outline whereas the appeal proposal is in full, with commensurate detail about the design of the dwellings including accommodation above first floor level.

6. Based on what I have seen and read, the Councillor who 'called-in' the proposal was aware of the planning history of the site when submitting their request, and the concerns expressed are a valid response to the differences between the appeal proposal and previous planning applications.
7. Although I have allowed the appeal, considered objectively and in context, the Council's concerns on the appeal proposal are not so unjustified or without substantiation as to represent unreasonable behaviour.
8. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary or wasted expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is not justified.

David Cross

INSPECTOR