The Planning Inspectorate

Costs Decision

Site visit made on 1 March 2022

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2022

Costs application in relation to Appeal Ref: APP/W5780/W/21/3274657
Grove Mansions, 55-57 High Street, Wanstead, London E11 2AE

- 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 Arsalan Khalique for a full award of costs against the Council of the London Borough of Redbridge.
- The appeal was against the refusal of the Council to grant planning permission for replacement of all existing single glazed timber windows on the first and second floors with like for like matching profile aluminium ppc windows.

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 was unreasonable in refusing the application. However, given the response of the Conservation Officer I do not find that the decision of the Council prevented or delayed development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations. The issues in a proposal such as this are clearly finely balanced, and the decision of the Council, their reasoning and evidence were not unreasonable.

Conclusion

4. I therefore find that the Council has not demonstrated any behaviour which could be considered unreasonable in the terms of the PPG, and which then resulted in unnecessary or wasted expense.

5. The application for an award of costs should therefore be refused.

S Dean

INSPECTOR