
Costs Decision

Site visit made on 5 April 2022

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th April 2022

Costs application in relation to Appeal Ref: APP/B5480/W/21/3285492 221 Highfield Road, Romford RM5 3AN

- 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 Imran Asghar for an award of costs against the London Borough of Havering.
 - The appeal was against the refusal of planning permission for the erection of part-two, part-single storey extension to side to create a one-bedroom, two-person dwelling house with associated amenity space, new vehicular crossover and parking, cycle and bin stores
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (the 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. Local Planning Authorities are encouraged, through the PPG, to exercise their development management responsibilities by relying only on reasons which stand up to scrutiny on the planning merits of the case.
3. In considering this appeal, my attention has been drawn to a previous appeal decision at the site. I acknowledge that the previous Inspector concluded that the development that they were considering would not have an adverse effect upon the character and appearance of the surrounding area. However, the evidence before me indicates that the current appeal proposal has a different design.
4. In particular, the current appeal scheme differs in a number of ways, including design; footprint; front door design; bay window design; and fenestration. In addition, the current proposal would, at some points, be closer to the highway edge than the previous scheme. In consequence, the current appeal proposal is significantly different from the previous proposal.
5. Given the presence of adopted Development Plan policies that seek to maintain the character and appearance of sites and their surroundings, I am unable to find fault with the Council for considering the development against the requirements of these policies. Given that the effect of a proposed development upon the character and appearance of the surrounding area is, in effect, a matter of planning judgement, I am unable to find fault with the approach.

6. I acknowledge the presence of a previous appeal. In this decision, the Inspector concluded that the appeal scheme under consideration at that point would not harm the area's character and appearance. Whilst previous appeal decisions are a material consideration in the determination of subsequent planning applications, the evidence before me indicates that the current appeal scheme is notably different.
7. Therefore, I do not believe that the previous appeal decision prevents consideration of the effects of a development upon the character of the surrounding area of a future, different, scheme. I have been referred to previous Costs Decisions, which refer to the importance of appeal decisions as material considerations. However, given that the evidence before me is indicative that the Council had regard to the previous Inspector's findings, this is not evidence of unreasonable behaviour.
8. The Council's delegated report does not cite policies from the London Plan regarding housing delivery. However, the report does make reference to the delivery of housing within the Borough and the need to increase delivery. Furthermore, the Council's report applied the provisions of Paragraph 11(d) of the National Planning Policy Framework (the Framework) and ascribed weight to the both the benefits and harm.
9. In consequence, I do not find that the process followed by the Council to have been unreasonable as the process established in Paragraph 11(d) of the Framework has been followed. It is a matter of planning judgement regarding the amount of weight that should be given to the harm and benefits arising from a scheme.
10. In result, I cannot agree that the Council has acted unreasonably in this case. As such, I do not believe that the appellant was put to unnecessary or wasted expense. Therefore, an award of costs is not justified.

Conclusion

11. I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Benjamin Clarke

INSPECTOR