



Costs Decision

Site visit made on 19 August 2022

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 SEPTEMBER 2022

Costs application in relation to Appeal Ref: APP/B5480/W/22/3290373 191-193 North Street, Romford RM1 1DT

- 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 Ms Sadaf Rab for a full award of costs against the London Borough of Havering.
 - The appeal was against the refusal of planning permission for '4 residential units at the rear of 191-193 North Street'.
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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 where the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. Examples of unreasonable behaviour by local planning authorities include preventing or delaying development which should clearly be permitted having regard to its accordance with the development plan, national policy and any other material considerations, and not determining similar cases in a consistent manner.
4. The applicant for costs considers the various pre-application and application processes they have engaged in with the Council for this site have taken considerable time, and that the Council's decision making has been inconsistent. The appellant advises this has resulted in lost rent, increased construction costs and wasted time and money.
5. Only the unnecessary or wasted costs of the appeal itself can be recovered by an award of costs. The reason for refusal is set out clearly in the Council's decision notice. Further justification is provided in the Officer Report and appeal statement, with reference to relevant national and local planning policy and guidance.
6. Examples of other decisions have been provided by the applicant, which they consider demonstrates inconsistency in the Council's approach to decision making. The full details of each of these are not before me, however from the information provided there would appear to be notable differences to the appeal case.

7. Ultimately, each application must be considered on its own merits, and there is no compelling evidence before me that the Council has been inconsistent in its approach to decision making. It will be seen from my decision that I agree with the Council's judgement in this instance and consider that there were sufficient grounds for refusing planning permission.
8. I therefore cannot agree that the Council has acted unreasonably in respect of this matter. As such there can be no question that the appellant was put to unnecessary or wasted expense as a result.

Conclusion

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

Ryan Cowley

INSPECTOR