



Costs Decision

Site visit made on 2 November 2022

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

an Inspector appointed by the Secretary of State

Decision date: 24/11/2022

Costs application in relation to Appeal Ref: APP/B5480/W/21/3286852 1 & 2 Central Cottages, Romford RM14 2TW

- 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 Kevin Williams for a full award of costs against the Council of the London Borough of Havering.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for demolition of existing building and erection of replacement pair of semi-detached houses without complying with conditions attached to planning permission Ref P0297.17, dated 6 June 2017.
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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 refers to a lack of communication from the Council. However, correspondence from the Council¹ clearly advises that the appellant submits another application to discharge the conditions. Instead, an application was submitted for the removal or variation of the conditions. Although I have some sympathy with the appellant in respect of the complexities of discharging conditions, the onus is on the appellant to ensure that the application is made on the basis of what they are trying to achieve. Both the Council's consideration of the application and this subsequent appeal have to be based on what was actually applied for.
4. The Council has taken a proactive approach in considering whether the wording of the conditions could be varied. However, due to concerns in respect of the status of a planning obligation, the Council concluded that this would not be appropriate. This was referred to in correspondence² with the appellant prior to the appeal, as well as being set out in the draft officer report included with the Council's Appeal Statement.

¹ e-mail from Planning Enforcement Officer 16 August 2021.

² e-mail from Development and Building Control 17 October 2021

5. I have concluded that the disputed conditions were reasonable and necessary in respect of the original planning permission, and therefore the conditions should not be removed. Furthermore, if the wording had been varied then this would still have resulted in a requirement for the appellant to submit further evidence, rather than the discharge of the conditions which the appellant seeks to achieve.
6. Therefore, even if there had been further communication from the Council, this would not have led to a permission which met the appellant's intentions. The Council has not behaved unreasonably in refusing the application, and this has not led to an appeal which could otherwise have been avoided.
7. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary 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 therefore justified.

David Cross

INSPECTOR