



Costs Decision

Site Visit held on 2 February 2023

by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA

an Inspector appointed by the Secretary of State

Decision date: 06 March 2023

Costs application in relation to Appeal Ref: APP/W3330/X/21/3294248 & 3294249

76 Kingsland Road, London E13 9PA

- The application is made under the Town and Country Planning Act 1990, sections 195, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Gregory James Sinclair and Ms Adele Lloyd for a full award of costs against the London Borough of Newham.
 - The site visit was in connection with an enforcement notice alleging the erection of a roof extension.
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Decision

1. The application is refused.

The submissions for the parties.

2. The application and response were made in writing prior to the Site Visit.

Reasons

3. 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.
4. The application is made in writing and refers to non-compliance with the deadlines set out in the start letter and not filing the questionnaire at the appropriate time and although emails are said to have gone missing there is no evidence for this.
5. It is unfortunate that the questionnaire from the Council was late. An email was sent to The Inspectorate explaining that the initial emails were not received by the Council's enforcement team.
6. On 27 January 2022, the Council sent an email to the Planning Inspectorate to update the council's appeal email addresses. The email states "Please note Enforcement appeals should still be directed to PlanningEnforcementappeals@newham.gov.uk". This was reiterated to the Planning Inspectorate on 11 February 2022.
7. However, the Planning Inspectorate sent the email for this appeal to Planning.Appeals@newham.gov.uk. The Council explain that Planning and Enforcement are two separate departments and so the appeal was not received by the enforcement team in time to complete the Questionnaire before the deadline. In addition, the Council then submitted its statement to the Planning

Inspectorate in the time required, so the appellant was not significantly prejudiced by the delay to the Questionnaire submission.

8. I do not consider that the Council is at fault and so this is not evidence of unreasonable behaviour. In particular, the questionnaire is to provide factual information to me and in general should not need any detailed response from the appellant, such as may be the case if it had been a late statement.
9. Overall, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated and that a full or partial award of costs is not justified.

Graham Dudley

Planning Inspector