



## Costs Decision

Site visit made on 11 October 2023

**by H Jones BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 31 October 2023**

---

### **Costs application in relation to Appeal Ref: APP/G5750/W/23/3315308 118 High Street South, East Ham, London E6 3RL**

- 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 Raithatha for a full award of costs against the Council of the London Borough of Newham.
  - The appeal was against the refusal of planning permission for development originally described as "Demolition of an existing mechanics garage with 1 x 3 bedroom flat and construction of a new building to create 5 x 1 bedroom, 3 x 2 bedroom and 1 x 3 bedroom."
- 

### **Decision**

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

### **Reasons**

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (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.
3. In December 2021 the Council issued a summary of its views on the proposed development. As a part of this, the Council apologised for a lack of communication. This lends weight to the assertions made by the applicant that the Council were somewhat unresponsive during the planning application process. It does seem likely, therefore, that the Council has exhibited some poor communication at times with the applicant.
4. However, I note that within the same December 2021 update, the Council raised significant concerns with the proposed development. Amongst other matters, these concerns related to the provision of a further hot food takeaway, the effects of the proposed development upon the character and appearance of the area and living conditions. Ultimately, such matters formed key parts of the Council's refusal reasoning. Therefore, even though the Council could have communicated more effectively, I have no substantive evidence before me that an appeal could have been avoided by doing so nor that it would have been very likely that pertinent issues would have been narrowed. Neither have I any compelling evidence that the applicant incurred additional or wasted expense as a result of the Council's communication.
5. Furthermore, the PPG advises that where a local planning authority has refused a planning application for a proposal that is not in accordance with the development plan policy, and no material considerations including national policy indicate that planning permission should have been granted, there should generally be no grounds for an award of costs for unreasonable refusal

of an application. It can be seen from my Appeal Decision and my findings on the main issues that these very circumstances apply in this case.

6. Given the harm and conflicts with the development plan that I have identified, I have no reason to conclude that, in refusing the planning application, the Council has acted with any prejudice towards the applicant or their agent. This is the case even if the applicant has experienced some delays with other planning applications as well. I have no substantive evidence before me that indicates that the Council's decision to determine the planning application via delegated powers or, its approach to consultation, was procedurally incorrect or unfair.
7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

*H Jones*

INSPECTOR