



Costs Decision

Site visit made on 27 February 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th May 2024

Costs application in relation to Appeal Ref: APP/B5480/W/23/3329078 29 Station Road, Harold Wood, Havering, Romford RM3 0BP

- 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 DPA (London) Ltd for a full award of costs against the Council of the London Borough of Havering.
- The appeal was against the refusal of the Council to grant planning permission for the conversion of the loft into a studio flat.

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. The applicant considers that the Council mis-applied the Table 3.1 of the London Plan 2021 (LonP) and Nationally Described Space Standards (NDSS) in relation to the floor area of the proposed dwelling by disregarding the staircase as part of the internal floorspace. My findings align with the applicant in this matter and its interpretation as this is explained in paragraphs 3 and 8 of the NDSS. I have further explained in my main decision why the Thornton Heath¹ decision differs to the Inspectors approach in this case which, in summary, is due to the difference of the stairs being an internal staircase as opposed to one which accesses the proposed dwelling.
4. This having been said, I find no direct comparison with the costs award relating to 10-12 Chapel Street². The Council did substantiate its position by referring to Table 3.1 of the LonP and the NDSS and it explained its reasoning. Whilst I have found that it misinterpreted this, its position was considered and explained.
5. Nevertheless, the refusal of planning permission, by failing to determine the planning application in accordance with the correct requirements of the NDSS, as referred to in the development plan, constitutes unreasonable behaviour contrary to the guidance in the PPG. As a direct result, the applicant has been faced with preparing evidence in relation to a relevant main issue.

¹ APP/L5240/W/20/3251891

² APP/B0230/W/20/3256275

6. The part of the applicant's case relevant to this consideration is generally straightforward and includes a short rebuttal of the Council's position. Accordingly, it appears to me that, in practice, there has been so little extra work, as a result of the appeal, that it can be regarded as 'de minimis'. In fact, the applicant quickly and succinctly responded to the Council's case without wasting expenditure. Although I find that the Council acted unreasonably, it did not cause unnecessary or wasted expense. Therefore, an award of costs is not warranted.

Nick Bowden

INSPECTOR