



Costs Decision

Inquiry Held on 16-19 and 23-25 July 2024

Site visit made on 22 July 2024

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th August 2025

Costs application in relation to Appeal Ref: APP/B5480/W/24/3339526 Former Long-Term Condition Centre, Harold Wood Hospital, RM3 0AR

- 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 London Borough of Havering Council against Bellway Homes Ltd (Thames Gateway) for a partial award of costs.
 - The appeal was against the refusal of planning permission for the demolition of existing structures and comprehensive redevelopment of the site to provide 96 new residential dwellings (Use Class C3) comprising self-contained flats and houses in buildings between 2.5 and 5-storeys in height along with associated car parking, cycle parking, access arrangements, public realm, landscaping, services, and other associated infrastructure.
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Decision

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

Reasons

2. London Borough of Havering Council (LBHC) submits that the appellant has acted unreasonably insofar as it submitted updated plans 24 May 2024 time alongside a highways technical note during the appeal period it was not expecting to be the case post the Case Management Conference held 8 May 2024. As a result, the appeal has caused unnecessary expense.
3. National Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only 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. I agree that the revisions and note produced by the appellant does present some tardiness issues insofar as LBHC were not able to base its initial proofs of evidence on the amendments.
5. The information did trigger a need for LBHC to properly assess the nature of the variations and information in good time, where due professional expertise is required and expected to be relied upon to base any next steps.
6. Nonetheless, adequate and agreed public consultation did occur on the revised drawings and note before the start of the Inquiry where interested party considerations are a further factor to have in mind, aside to commentary from LBHC. Subsequently, the Statement of Common Ground process provided some

avenue to respond to the issues posed. An addendum would have also been possible.

7. Although I accept that the appellant could have more fully explored all elements of the variations anticipated with the Council at an earlier stage, they are matters which ultimately LBHC would have needed to respond to in any event.
8. That is because of the potential planning obligation and condition use mechanisms applicable, which any decision maker would need to assess having regard to all aspects of the case made.
9. But also, because it was for the appellant to meet the reasons for refusal given to it, which featured several cross cutting issues that were not clear-cut in nature. Owing to combined issue and landowner interest complexity, I accept the revisions were undertaken in the spirit to aid an overall decision in line with reasonable practice.
10. Moreover, despite the pre-application chronology advanced, and referred to by both parties, there was still scope for LBHC to have more fully explored some matters leading to appeal during the application process itself, in a positive and proactive manner in combination with due impetus from the appellant.
11. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Thus, an award of costs is not justified in this particular case.

M Shrigley

INSPECTOR