



Costs Decision

Site visit made on 10 September 2024

by H Marriott MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2024

Costs application in relation to Appeal Ref: APP/B5480/W/24/3341072 139 Park Lane, Hornchurch RM11 1EQ

- 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 Maguire for a full award of costs against the Council of the London Borough of Havering.
- The appeal was against the refusal of planning permission for a proposal described in the application form as 'amendment to proposed new dwellinghouse approved under application reference P1299.22 with the description two storey, 3-bed, end terrace dwelling with associated parking and amenity space, and single storey rear extension to existing dwelling, involving demolition of existing single storey side and rear extension. The amendment is to increase the footprint size of the approved ground floor single storey side annex to project 2.722m from the approved two storey section. An increased projection of 1.579m from the approved plans. The amendment also includes for proposed first floor accommodation over the side annex with internal remodelling to provide an additional bedroom making this a 4B7P house with a total gross internal area of 129.39m². The amendment also includes the addition of four windows and ground floor internal remodelling in connection'.

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. The engagement of a planning consultant to defend an appeal is not itself an unnecessary cost unless unreasonable behaviour on the part of the Council can be demonstrated.
3. Unreasonable behaviour on the part of a Council may include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations, acting contrary to, or not following, well-established case law, or not determining similar cases in a consistent manner.
4. The costs application is made on the basis that the Council has acted unfairly and unreasonably in refusing planning permission. However, refusing planning permission in itself does not constitute unreasonable behaviour provided the reasons for doing so have been substantiated.
5. The reasons for refusal are set out in the decision notice and they are complete, precise, specific and relevant to the planning application. The

reasons are also linked to the policies of the development plan and the National Planning Policy Framework. These reasons are adequately expanded upon in the Council's Officer Report and its Statement of Case.

6. Therefore, I do not find that the Council has acted unfairly or unreasonably in refusing planning permission. Furthermore, having carefully considered the Council's evidence I also arrived at the same conclusion.

Conclusion

7. As a result, having considered the above, I conclude that unreasonable behaviour by the Council, as described in the Guidance, has not been clearly demonstrated. Therefore, unnecessary or wasted expense has not been incurred by the applicant. Consequently, the application for an award of costs is refused.

H Marriott

INSPECTOR