



Costs Decision

Site visit made on 1 October 2024

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2024

Costs application in relation to Appeal Ref: APP/B5480/W/24/3339230 Land North of 72-74 Queens Gardens, Havering, Rainham RM13 8EB

- 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 Donaldson 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 demolition of existing garage and new detached dwelling on land West of 15 Askwith Road.
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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 is seeking a full award of costs on the basis that Council has not substantiated its reasons for refusal, and failed to have adequate regard to the presumption in favour of sustainable development in refusing the original planning application, and has not considered the surroundings correctly. Although afforded opportunity to do so, the Council has not provided a response to the costs application.
4. In determining the appeal, I ultimately found in favour of the applicant. However, the Council's concerns were clear and specific, and the reasoning behind the concerns broadly substantiated. The Council was clearly mindful of its lack of five-year housing supply and the tilted balance set out at Paragraph 11 of the National Planning Policy Framework when it reached its decision.
5. The Council acknowledged within its evidence that no site visit was undertaken as part of the planning application process. Whilst such a visit would have aided the understanding and appreciation of the appeal site and proposal to its surroundings, there is no evidence before me to indicate any identifiable misunderstanding of the surroundings of the appeal site.
6. Therefore, although the applicant may have disagreed with the conclusions the Council reached, as I did myself, I cannot agree that the decision was reached on a basis such that it amounted to unreasonable behaviour.
7. Having regard to the above, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

C Harding

INSPECTOR