



Costs Decision

Site visit made on 17 June 2025

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 July 2025

Costs application in relation to Appeal Ref: APP/W5780/D/25/3364000 313 Mortlake Road, Ilford, Redbridge IG1 2TG

- 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 Kamran Hussain for a full award of costs against the Council of the London Borough of Redbridge.
 - The appeal was against the refusal of planning permission for detached rear outbuilding with a ramp/railing for use as a granny annexe for ancillary use to the main dwelling house. Reconstruction of the existing Rear/Side (part) Extensions, proposed Side and Front Porch Extensions for the host building.
-

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. It also sets out that a local planning authority is at risk of an award of costs for 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 caselaw; and not determining similar cases in a consistent manner.
4. The applicant asserts that the Council altered the description of development without the consent of the applicant which led to an erroneous assessment of the proposal, including the personal circumstances of the applicant, and that a permitted development fall-back position for the proposed annexe had not been taken into account.
5. The description of development on the application form and Decision Notice are very similar. The only changes made by the Council are a slight re-ordering of some of the words and the addition of 'Alterations to fenestrations (summary)', which have not substantively altered the description. The description on the application form refers to the construction of a 'granny annexe', and consequently the Council were not at fault to use of this term in their description as it is a commonly used term for any residential annexe. Furthermore, I understand that the applicant had the opportunity to comment on these changes but did not do so. Even if the description in a previous application had been changed by the Council

without the consent of the applicant, this is outside the scope of this appeal scheme which was the subject of its own planning application.

6. The Council were aware that the annexe was proposed to be used by a disabled family member and took this into account in the 'Equality Act Consideration' section of their officer's report. The Council's assessment concisely outlines the personal circumstances and considered this against the identified harm. Although I have disagreed with the Council's conclusions on this matter in my Decision, a planning balance such as this is subjective and the Council did not act unreasonably in coming to their views. Furthermore, even if the Council had conducted a more detailed assessment in this regard, it is not certain that this would have led to it to a different conclusion.
7. In the evidence before me, no drawings of a permitted development fallback option for the annexe had been provided. Furthermore, there is nothing to demonstrate that the appellant had expressly informed the Council that they would construct an annexe under permitted development should the planning application be refused. As the likelihood of the construction of the any fallback option (if it exists) was unknown during the original application, the Council's position was not unreasonable.
8. The applicant also states that the Council did not consider the use of a personal condition or a condition restricting the annexe to ancillary purposes. However, it is unclear how either of these conditions would overcome the conflict with Policies LP7 and LP26 of the Redbridge Local Plan 2015-2030 (2018) or the harm to character and appearance and the living conditions of neighbouring residents considered by the Council to exist.
9. It seems to me that in this case there was a fundamental disagreement between the parties over the merits of the scheme. The decision to refuse the scheme was not unreasonable.
10. No details have been provided of any residential annexes for disabled persons which have been granted planning permission by the Council. In their appeal statement, the applicant refers to an annexe which was allowed on appeal in Luton¹, which is a different council area. Moreover, the appeal decision provided by the Council, for a similar residential annexe in a rear garden in the Council's area, suggests that the Council has assessed both schemes consistently against the development plan policies.
11. Furthermore, the applicant has not provided details of specific caselaw which has not been followed by the Council. It has therefore not been demonstrated how the Council have not determined similar cases in a consistent manner or that the Council has acted contrary to, or not followed, well-established caselaw.
12. Therefore, for these reasons unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

D Ellis

INSPECTOR

¹ Appeal ref. APP/B0230/D/24/3350691