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## Costs Decision

Site visit made on 17 June 2025

by **J Heppell BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14<sup>th</sup> August 2025

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### **Costs application in relation to Appeal Ref: APP/W5780/W/25/3361184**

#### **15 Vernon Road, Seven Kings, Ilford, Redbridge IG3 8DJ**

- 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 T Matak for a full award of costs against the Council of the London Borough of Redbridge.
  - The appeal was against the refusal of planning permission to increase the number of occupants from a current 6 person HMO to accommodate a maximum of 7 people (larger HMO - Sui Generis Use Class), including associated refuse storage enclosure and general storage provision.
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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 PPG makes it clear that a local planning authority may be at risk of a substantive award of costs if it: prevents or delays development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; fails to produce evidence to substantiate each reason for refusal on appeal; makes vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis; acts contrary to or does not follow well-established case law; or does not determine similar cases in a consistent manner.
4. The reasons for the applicant's cost application include inconsistent decision making and specifically the local planning authority's failure to take into account a relevant and recent appeal decision, putting forward an un-substantiated reason for refusal, unreasonable behaviour on the side of the local planning authority through their refusal to visit the site, and their failure to follow well established case law and the relevant provisions of the Town and Country Planning Act 1990.
5. The Council assessed the proposal against the provisions of the Redbridge Local Plan 2015-2020 March 2018 (RLP), in particular Policy LP6, which relates to the change of use of larger houses to large houses in multiple occupation (HMOs). Although the applicant considers that Policy LP6 does not apply to the proposal because the property is already a HMO, I have determined that the policy carries weight, albeit limited. Consequently, whilst I have concluded that material

considerations justified a departure from Policy LP6 in this instance, the Council was correct to assess the proposal against Policy LP6.

6. The Council highlighted shortfalls in the size of the proposed communal areas against the standards contained in the Housing Design Supplementary Planning Document (SPD) adopted September 2019, and asserted that the resultant accommodation would be substandard. Whilst I have taken a different view, concluding that the shortfalls are not so significant as to warrant dismissing the appeal, the Council nonetheless produced some evidence to substantiate its case regarding the quality of the proposed accommodation. Had the Council visited the property as part of its assessment of the scheme, this would not have altered the fact that minor shortfalls were identified.
7. In its statement of case, the Council addressed the appeal decision highlighted by the appellant at 164 Kingston Road in Ilford<sup>1</sup>. Although that appeal decision aligns with the decision I have taken, by placing weight on the already existing HMO and the fact that the proposal would not materially alter the character and appearance of the property or the area, there were differences in the degree to which that proposal departed from the standards contained in the SPD. Therefore, although the Council sought to rely on an appeal decision at 16 Warwick Gardens in Ilford<sup>2</sup> where the circumstances were notably different from the current appeal, it was not bound to follow the appeal decision at 164 Kingston Road.
8. The Council's delegated report shows that it weighed the development plan against other material considerations, in accordance with s70(2) of the Town and Country Planning Act 1990, and concluded that the proposal was unacceptable. Whilst I have weighed the development plan against other material considerations and reached a different conclusion, the Council correctly followed the requirements of the Act.

## **Conclusion**

9. In view of the above, I do not find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated. Therefore, an award of costs is not justified against the Council.

*J Heppell*

INSPECTOR

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<sup>1</sup> PINS reference APP/W5780/W/20/3263096

<sup>2</sup> PINS reference APP/W5780/W/24/3347299