



Costs Decision

Site visit made on 27 August 2025

by **David Wyborn BSc(Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 September 2025

Costs application in relation to Appeal Ref: APP/E5900/D/25/3368649 18 Milligan Street, London E14 8AU

- 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 Rey Syuen Wang Yeh for a full award of costs against the Council of the London Borough of Tower Hamlets.
 - The appeal was against the refusal of prior approval under schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development Order) 2015 for a single storey rear extension 6m beyond the rear of the house with height of 3.80m and eaves height of 2.90m.
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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 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 seeks a full award of costs. The application is made under three headings. In terms of procedural unreasonableness and lack of engagement, it is argued that the Local Planning Authority failed to provide clear reasons for refusal, did not respond to an email seeking clarification and there was an absence of engagement to deal with the issues in a positive and proactive manner.
4. In relation to failure to consider relevant policy objectives, it is argued that the decision notice and officer report demonstrate a failure to properly consider relevant national and local policy objectives, including those supporting sustainable development and energy efficiency. As a consequence, the decision did not balance these considerations nor acknowledge permitted development rights properly, contrary to a streamline prior approval process.
5. In terms of unnecessary duplication of applications and costs, the applicant makes the case that had the Local Planning Authority responded to the clarification request or properly engaged during the determination period, the applicant could have addressed any concerns through minor revisions or clarification without having to submit a second application or an appeal.
6. The Council has not responded to the application for costs.
7. In my judgement, the reasons for refusal were sufficiently clear for the applicant to be able to understand the issues and respond at the appeal stage. There was no unreasonable behaviour in this respect.

8. It will be seen from the appeal decision that I agree that the Council was justified in refusing the prior notification proposal for the larger home extension because the details did not comply with the limitations in Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
9. The Council took the correct legal approach to considering the larger home extension against the GPDO limitations and this does not require or allow consideration of the wider local policy objectives of sustainable development and energy efficiency. The extension would breach the dimensions and position requirements for a larger home extension and that was sufficient to conclude that the scheme would not be permitted development.
10. The reason for refusal in relation to the addition of the photovoltaic panels had some merit as these were shown on the plans and could be judged to be an addition. Not every aspect and detail of a scheme is described in the written submission and sometimes a feature will only appear on the plans. However, on balance, I have found in favour of the applicant on this matter, but the approach of the Council was not unreasonable.
11. It appears that the Council could, and perhaps should, have been more attentive to responding to correspondence. Nevertheless, it was not unreasonable to determine the application on the basis of the information and plans that had been submitted. This evidence, taken as a whole, was clear and allowed a decision to be reached. There is no requirement on the Council to negotiate changes especially when it has a limited period to determine an application for prior notification.
12. As a result, it follows that in terms of the issues raised by the applicant in the costs claim, I cannot agree that the Council has acted unreasonably and the appeal could not have been avoided.

Conclusion

13. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the Planning Practice Guidance, has not been demonstrated and an award of costs is not justified.

David Wyborn

INSPECTOR