



Costs Decision

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2026

Costs application in relation to Appeal Ref: APP/W5780/X/24/3355507

66 Elmstead Road, Ilford IG3 8AY

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr A Chaudhry for a full award of costs against the Council of the London Borough of Redbridge.
 - The appeal was against the refusal of an application for an LDC for use as two self-contained flats.
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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. Evidence submitted to the Council and at appeal stage does not, as set out in the Appeal Decision, demonstrate that the appeal property has been in continuous use as two self-contained flats before and during the four year period prior to the date of the application. The Council does not claim that the property has reverted to being used as a dwellinghouse since its conversion to two flats, rather that evidence does not demonstrate continuous occupation and use of the property as two flats. In this regard, the burden of proof is on the Appellant and he has not discharged that burden by providing precise and unambiguous evidence to justify granting an LDC. In these circumstances the Council is not required to provide evidence that contradicts or makes the Appellant's version of events less than probable. The Council has not acted unreasonably and the application for costs thus fails.

John Braithwaite

Inspector