



Costs Decision

Site visit made on 6 January 2026

by **L Fern BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 February 2026

Costs application in relation to Appeal Ref: APP/W5780/D/25/3373056

3 Langley Drive, Wanstead, Redbridge, London E11 2LN

- 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 Francis Mallinson 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 “alterations to front porch. Single storey extension with new patio and steps down to garden. Alterations to fenestrations” without complying with a condition attached to planning permission Ref 0437/23, dated 23 March 2023.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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 fails to substantiate its reasons for refusal at appeal, and/or makes vague generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The Council, or more specifically its Planning Committee, refused the planning application against officer advice. Whilst a planning committee is entitled to make decisions that are contrary to the officer recommendation, there is an expectation that where this occurs it should show reasonable planning grounds for taking a contrary decision and produce sound, substantive and defensible evidence on appeal to support the decision in all respects.
5. I acknowledge that the Council submitted an appeal statement of case to the Planning Inspectorate during the appeal process. However, the Council should be explicitly aware that they can only rely on evidence produced during the application process, such as any submitted officer report, committee minutes or decision notice, to substantiate their reason(s) for refusal in a householder appeal case. I was therefore unable to accept the statement and did not have sight of its contents in the interests of fairness.
6. The sole reason for refusal on the Council's decision notice alleged that the proposed fence by reason of its height above the proposed patio, and the increase in the patio's depth, would result in a loss of outlook, as well as loss of light and

overshadowing, which would be harmful to the residential amenity of the occupants of 5 Langley Drive (No 5).

7. However, for the reasons set out in my main appeal decision, I have concluded that the proposal would not be unacceptably harmful to the living conditions of the occupants of No 5. Whilst there is an element of judgement involved, the Council has shown no respectable basis for the stance taken by its Planning Committee. Rather, I consider that its concerns were grossly exaggerated, bearing little regard to the small-scale increase in depth and height of the patio above ground level when compared to what had already been granted consent.
8. Furthermore, I am not convinced that the Planning Committee had regard to the reasonableness of the height of the proposed fence when taken in context with other similar boundary treatments in the surrounding area, and the resultant improvement by a reduction in the ability of residents to look into one another's gardens and ground floor living accommodation.
9. I therefore consider that the Council's refusal was not well founded and contained vague and generalised assertions about the proposal's impact, with the result that the Council has been unable to substantiate its refusal reasons at appeal.
10. Accordingly, I am of the view that unreasonable behaviour as described in the PPG has been demonstrated on the part of the Council and has resulted in the applicant's unnecessary expense in contesting the appeal. A full award of costs is therefore warranted.

Costs Order

11. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 (as amended), and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the Council of the London Borough of Redbridge shall pay to Mr Francis Mallinson, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
12. The applicant is now invited to submit to the Council of the London Borough of Redbridge, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

L Fern

INSPECTOR