
Costs Decision

Site visit made on 16 December 2025

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 February 2026

Costs application in relation to Appeal Ref: APP/W5780/X/23/3327666

39 Courtland Avenue, Cranbrook, Redbridge, Ilford IG1 3DN

- 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 Peter Gear of ACD Homes LTD for a full award of costs against the Council of the London Borough of Redbridge.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for a certificate of lawful use or development for 'Existing use of property as a small HMO, use class C4 (up to 6 people).'
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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. Although costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceeding, behaviour, and actions at the time of the application can be taken into account in the Inspector's consideration of whether costs should be awarded.
4. In summary the applicant's claim is made on the basis that the Council have acted unreasonably by failing to grant the lawful development certificate and to do so within the statutory timeframes. Further, that the Council failed to communicate with the agent despite emails and call-back requests made, and such communication could have avoided the need to appeal altogether.
5. The Council did not provide any explanation for the delay in determining the application, nor regarding the failure to respond and communicate with the applicant's agent which is unhelpful.
6. Moreover, the applicant should not have had to chase the Council for a decision. Having regard to the advice of the PPG, the Council's failure to provide an explanation and determine the application in a timely manner, amounts to unreasonable behaviour.
7. Nevertheless, the Council did provide a statement in response to the appeal. It is clear from that statement, had the Council made a decision on the application, it would have refused to grant a certificate for the reasons set out in that submission. Accordingly, it is evident that the appeal could not have been avoided.

8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Felicity Thompson

INSPECTOR