



Costs Decision

Site visit made on 15 September 2026

by Siobhan Watson BA(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2026

Costs application in relation to Appeal Ref: APP/W5780/X/25/3361999

2A Hall Road, Chadwell Heath, ROMFORD, RM6 4LH

- 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 Samuel Nwigwe for a full award of costs against the Council of the London Borough of Redbridge.
 - The appeal was against the refusal of a certificate of lawful use or development for a home for three children or young people aged 7-18 with two resident carers living together as a single household (C3b).
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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. Unreasonable behaviour may be either procedural (relating to the process) or substantive (relating to the issues arising from the merits of the Appeal). Examples of unreasonable behaviour include failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.¹
4. The basis of the costs claim is that the Council (a) misinterpreted the law and (b) did not substantiate its reason for refusal.
5. In respect of whether the proposed use would be Use Class C2 or C3, case law is well established in this matter² and the Council referred to it. Based on the information provided by the Appellant, I agreed with the Council that the Appellant did not demonstrate a C3 use. Therefore, there has been no unreasonable behaviour from the Council on this point.
6. However, the Council did not get it right about whether the change of use was material as it did not examine that point in detail. This was unreasonable to some extent. Nevertheless, on the other hand, the appellant did not substantiate his case very well that the proposed use would remain a C3 use.

¹ Paragraph: 049 Reference ID: 16-049-20140306

² *North Devon DC v First Secretary of State [2003] EWHC 157 (Admin)*

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

Siobhán Watson

INSPECTOR