
Costs Decisions

Site visit made on 6 December 2016

by William Fieldhouse BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13th December 2016

Costs application A in relation to Appeal Ref: APP/T5150/D/16/3161276 7 Alverstone Road, London NW2 5JS

- The application is made under sections 78, 322 and Schedule 6 of the Town and Country Planning Act 1990, and section 250(5) of the Local Government Act 1972.
 - The application is made by Mr Ricardo Goddard for a full award of costs against the Council of the London Borough of Brent.
 - The appeal was made against a refusal to grant approval required under Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a side extension with demolition of existing garage.
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Costs application B in relation to Appeal Ref: APP/T5150/D/16/3161342 7 Alverstone Road, London NW2 5JS

- The application is made under sections 78, 322 and Schedule 6 of the Town and Country Planning Act 1990, and section 250(5) of the Local Government Act 1972.
 - The application is made by Mr Ricardo Goddard for a full award of costs against the Council of the London Borough of Brent.
 - The appeal was made against a refusal to grant approval required under Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a rear extension.
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Costs application C in relation to Appeal Ref: APP/T5150/D/16/3163039 7 Alverstone Road, London NW2 5JS

- The application is made under sections 78, 322 and Schedule 6 of the Town and Country Planning Act 1990, and section 250(5) of the Local Government Act 1972.
 - The application is made by Mr Ricardo Goddard for a full award of costs against the Council of the London Borough of Brent.
 - The appeal was made against a refusal to grant approval required under Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a rear extension.
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Decisions

Costs Application A: APP/T5150/D/16/3161276

1. The application for an award of costs is refused.

Costs Application B: APP/T5150/D/16/3161342

2. The application for an award of costs is refused.

Costs Application C: APP/T5150/D/16/3163039

3. The application for an award of costs is refused.

Reasons

4. Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably, in either a procedural or substantive way, and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process¹.
5. It appears from the planning history that I have been provided with that numerous applications were made between July and November 2016 for prior approval or certificates of lawfulness relating to various schemes to extend this property. Three of those applications are currently the subject of appeal and these associated costs applications.
6. My conclusions relating to two of the appeals are consistent with those of the Council, whereas in the other case I decided that the appeal should be allowed because prior approval is not required. However, this does not in itself mean that the Council's decisions on any of the applications were unreasonable.
7. The appellant informs me that after the first application was refused, advice was sought from Council officers and revised proposals were submitted that were intended to overcome the reasons for refusal. As these applications were also refused, further advice was sought and further proposals submitted. Again, the applications were refused, apparently for the same reasons. This sequence of events has clearly been extremely frustrating for the appellant, and led to considerable delay to the implementation of a scheme.
8. However, I have not been provided with any details of the advice that the Council officers provided, nor is it clear from the information before me whether it was fully adhered to. Furthermore, whatever the nature of that advice, there is no substantive evidence before me to indicate that it was provided in anything other than a professional way with the intention of being helpful. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) sets out somewhat complex criteria, limitations and procedures relating to extensions to dwellings and it is not altogether surprising that their interpretation and application can prove to be difficult in certain cases.
9. I am not, therefore, persuaded that the Council acted unreasonably in making any of the three decisions that led to these appeals and costs applications, nor is there anything to indicate that the Council acted unreasonably at the appeal stage.

Conclusion

10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

William Fieldhouse

INSPECTOR

¹ PPG ID16-028 and 029.