

Costs Decision

Site visit made on 2 December 2016

by Peter D Biggers BSc Hons MRTPI

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

Decision date: 16 December 2016

Costs application in relation to Appeal Ref: APP/T5150/D/16/3160487 1 Priory Avenue, Wembley HA0 2SB

- 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 Alshad Ladha for a full or partial award of costs against the Council of the London Borough of Brent.
 - The appeal was made against the refusal of planning permission for loft conversion at 1 Priory Avenue.
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Decision

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

Reasons

2. Irrespective of the outcome of the appeal, costs may only 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. Paragraphs 47 and 49 of the *Planning Practice Guidance* (PPG) set out what may be considered unreasonable behaviour by the Local Planning Authority with respect to procedural matters in the appeal (paragraph 47) and with regard to the substance of the matter under appeal (paragraph 49).
 4. The application for costs does not specifically refer to the behaviours set out in the PPG and only refers to compensation for delay. Awards of costs cannot extend to compensation for indirect losses such as delay in obtaining planning permission. Thus the applicant's concern that the Council delayed reaching a decision on the planning application is not a reason to award costs relating to this appeal. In any event the extension of time to determine the application was agreed between the applicant and the Council and the decision was issued within the extended period.
 5. The applicant's reference to delay in appealing the decision is not explained but the Council submitted all documentation for the appeal on time. Appealing a decision inevitably delays the process of ultimately obtaining a permission and as above awards of costs cannot extend to compensation for such delay.
 6. Implicit in the application for costs is that development has been delayed that should have clearly been permitted having regard to its accordance with the development plan, national policy and other considerations. The Council clearly considered the matter of compliance with the development plan, national policy and other considerations and concluded that the proposal would be in conflict.
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In my assessment of the proposal in my decision letter on the appeal I have reached the same conclusion. The authority has not therefore prevented or delayed development which should have been permitted having regard to policy. The behaviour of the Council in determining the planning application and refusing it for the reasons it gave is not unreasonable and it was the applicant's choice to submit the appeal.

7. In conclusion, for the reasons given above, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the *Planning Practice Guidance*, has not been demonstrated and a full or partial award of costs is not justified.

P. D. Biggers

INSPECTOR