The Planning Inspectorate

Costs Decision

Site visit made on 12 December 2016

by D. M. Young BSc (Hons) MA MRTPI MIHE

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

Decision date: 04 January 2017

Costs application in relation to Appeal Ref: APP/T5150/W/16/3157473 First Floor Office, 472 High Road, Wembley HA9 7AY.

- 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 Ed Clayden (Nationwide Building Society) for a full award of costs against the Council of the London Borough of Brent.
- The appeal was against the refusal to grant prior approval for a change of use of the first floor from office (Use class B1) into 2 self-contained flats (2 x 2 bed).

Decision

1. The application for an award of costs is refused

Reasons

2. The *Planning Practice Guidance* (PPG) advises that parties will normally be expected to meet their own costs in relation to appeals and that costs may only be awarded against a party who has acted unreasonably, and thereby caused the party applying for costs to incur unnecessary, or wasted, expense in the appeal process.

3. The appellant's application is made on the grounds that the Council acted unreasonably in refusing prior approval and this resulted in the wasted expense being incurred by pursuing the appeal. However, beyond pointing to advice in the costs circular, the appellant's claim is unsubstantiated.

4. Whilst I have some concerns about the Council's approach and found in the appellant's favour on the s78 appeal, the onus is on the appellant to demonstrate that unreasonable behaviour has taken place. It is not for me to make these arguments for the appellant.

5. Accordingly and based on the level of information before me, I do not find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is not justified.

D. M. Young

Inspector