
Costs Decision

Site visit made on 15 February 2017

by Simon N Hand MA

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

Decision date: 9 March 2017

Costs application in relation to Appeal Ref: APP/T5150/X/16/3160435 97 Ballogie Avenue, London, NW10 1SU

- 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 & Mrs Lorraine Grady for a full award of costs against the Council of the London Borough of Brent.
 - The appeal was against the refusal of a certificate of lawful use or development for the demolition of existing outbuilding and erection of new outbuilding ancillary to existing dwellinghouse.
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Decision

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

Reasons

2. The Planning Practice Guidance 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. The appellants argue the Council have penalised them merely because the Council has a problem with illegal outbuildings. Asking for the information is wholly unacceptable. The Council respond that the appellants were professionally represented and yet it appears the agent rejects the notion it is up to the appellants to demonstrate their case. The Council quote from PPG paragraphs 005 and 006 which clearly explains an application for a lawful development certificate needs to describe precisely what is being applied for and the absence of sufficient or precise information may justify a refusal.
4. In my view the agent was well aware the Council had an issue with unlawful garden buildings, or "beds in sheds" as they are known and so it would not have been unreasonable for this information to be supplied. As I note in the decision the proposed structure would be an unusual shape and have a separate access to a side lane and this no doubt gave the Council pause for thought.
5. I do not consider the Council acted unreasonably in refusing the certificate because of uncertainty over the proposed use and the application for costs is refused.

Simon Hand

Inspector