
Costs Decision

Site visit made on 11 April 2017

by Simon N Hand MA

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

Decision date: 8 June 2017

Costs application in relation to Appeal Refs: APP/T5150/X/17/3167445 and T5150/W/17/3167910

137 Chatsworth Road, London, NW2 5QT

- 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 Saloria Investments Ltd for a full award of costs against the Council of the London Borough of Brent.
 - The appeals was against the refusal of a certificate of lawful use or development for the insertion of new window and Juliet balcony that are of similar appearance and material to those used in the construction of the house (3167445) and erection of part single storey, part two storey rear extension, two storey side extension, loft conversion, roof lights and demolition of the garage (3167910)
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Decisions

1. The applications for an award of costs are refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who have behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. In the case of 3167445 the appellant claims the Council were unreasonable because they failed to make a site visit and failed to have regard to policy. The Council reply that they did make a site visit, on 6 October 2016 and the photographs are on file to prove it. I would add that policy is irrelevant in a LDC appeal.
4. There does not seem to be any unreasonable behaviour to me. The Council were not convinced the materials would match whereas I disagreed with them, but that does not make their behaviour unreasonable.
5. In the case of 3167910 the appellant argues that there was no site visit, a failure to have regard to policy and a catalogue of errors in processing the application. The Council reply that the original case officer did carry out a site visit and the new case officer relied on her description, photographs and his own site visit to view the streetscene. The issue regarding the plans was not the Council's fault.
6. I agree that the Council's officers did as much as is reasonable to acquaint themselves with the issues before issuing the decision. It was perhaps a little

odd for the agent to send in old copies of the plans, but it does not amount to unreasonable behaviour for the new case-officer not to realise this, it is after all up to the appellant to make his case. It is unfortunate that the Council insisted on the wrong certificate, but that does not seem to have influenced the outcome of the application, everyone was aware what the proposals were and the Council issued a decision notwithstanding their view the application was technically invalid. Consequently, I do not consider the Council have acted unreasonably.

Conclusions

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense as described in the PPG has not been demonstrated in either appeal and an award of costs is not justified.

Simon Hand

Inspector