
Cost Decision

Site visit made on 18 August 2017

by Sandra Prail, MBA, LLB (Hons), Solicitor (non practising)

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

Decision date: 05 September 2017

Costs application in relation to Appeal Ref: APP/T5150/C/16/3165070 Land at 779 Harrow Road, Wembley, HAO 2LW

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by the Council of the London Borough of Brent for a partial award of costs against Mr Tarlochan Singh Goel.
 - The appeal was against an enforcement notice issued by the Council of the London Borough of Brent.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a part single, part two storey side extension to the rear of the premises.
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Decision

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

Reasons

2. The *Planning Practice Guidance* (the Guidance) advises that irrespective of the outcome of the appeal, 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 Guidance identifies that an Appellant may be at risk of an award of costs if he prolongs the proceedings by introducing a new ground of appeal or issue.
4. The Council's case is that in withdrawing appeals under ground (d) and (c) and substituting grounds (a) and (f) the Appellant acted unreasonably and caused the Council to incur costs in preparing statements addressing grounds that were withdrawn.
5. The Appellant emailed the Planning Inspectorate on 9 March to withdraw appeals under grounds (d) and (c) and to replace those grounds with appeals under grounds (a) and (f). But this was not communicated to the Council by the Inspectorate until 21 June after the Council had submitted its statement addressing the original grounds on 5 April. The Council was invited by the Inspectorate to resubmit its statement which it did on 7 July.
6. The Appellant's action in changing the grounds of appeal did not prolong the proceedings. The time spent by the Council in producing a second statement to address the revised grounds was caused by the Inspectorate's failure to communicate the change in the grounds of appeal in a timely manner. The

Appellant's behaviour did not cause the Council to incur unnecessary or wasted expense.

Conclusion

7. For the reasons given I find that unreasonable behaviour by the Appellant resulting in unnecessary or wasted expense as described in the Guidance has not been demonstrated. I therefore conclude that the award of costs sought by the Council of the London Borough of Brent against Mr Tarlochan Singh Goel is not justified in whole or part. The application is refused.

S. Prail

Inspector