



Costs Decision

Site visit made on 22 August 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 13th December 2017

Costs application in relation to Appeal Ref: APP/M5450/D/17/3179878 79 Brancker Road, Harrow HA3 9AW

- 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 Jay Vekaria for a full award of costs against the Council of the London Borough of Harrow.
 - The appeal was against the refusal of to grant approval required under Article 3, Schedule 2, Part 1, Class A, Paragraph A4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for a single storey rear extension (6m deep) and associated internal alterations.
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Decision

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

Reasons

2. The Council initially refused to grant prior approval under Class A of the GPDO for a rear extension in March 2017¹. An objection had been received from a person giving their address as 81 Brancker Road. A subsequent prior approval application was submitted shortly thereafter². The Council received correspondence to the second application from a Valerie Brannigan at No 81, who indicated that she had no objection to the proposal and that the previous objector was a relative who had not lived at the address for a considerable period of time. Notwithstanding that, a letter of objection was again received from the same person. The Council thereafter refused the second prior approval application. The second application is the subject of the appeal to which this costs application relates³.
3. The applicant indicates that the objection was 'false' and it was unreasonable of the Council to take it into account. The applicant also points out that a third application for prior approval was submitted⁴ to the Council but the Council refused to validate it on the basis that two identical applications for prior approval had already been refused. The applicant believes that the Council should have validated it and clarified the authenticity of the objection.
4. However, in my view, it would be unreasonable to expect the Council to have had to actively seek out evidence from all parties to clarify the authenticity of objections. There is no requirement to do so under the GPDO and, whilst I note the letter of support from Valerie Brannigan, there has been no

¹ P/0604/17

² P/1464/17/PRIOR

³ APP/M5450/D/17/3179878

⁴ P/2384/17/PRIOR

substantive evidence from either respondent, or indeed the appellant, which convincingly demonstrates that the disputed objection was false. In my view, it was not unreasonable of the Council, in the absence of such clarification, to take into account the objection at face value. To do otherwise would have risked a lack of objectivity and impartiality from the Council. As a result, whilst I note the applicant believes he was effectively forced into appeal against the Council's refusal, in my view the Council's handling of the situation does not constitute unreasonable behaviour.

Conclusion

5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Jason Whitfield

INSPECTOR