



Costs Decision

Hearing Held on 23 July 2019

Site visit made on 23 July 2019

by L Perkins BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th August 2019

Costs application in relation to Appeal Ref: APP/M5450/W/18/3208629 231-233 High Road, Harrow HA3 5EE

- 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 the Council of the London Borough of Harrow for a partial award of costs against Mr Eric Gadsden of W E Black Limited.
 - The hearing was in connection with an appeal against the refusal of planning permission for: Redevelopment to provide three to four storey building to create 15 flats; parking; associated landscaping; refuse and cycle storage; widening of one existing vehicle access.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) 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 Council made a verbal claim for costs against the appellant at the hearing on procedural grounds for 3 reasons. First, for submitting amended plans during the appeal process in response to some of the reasons for refusal. Second, for not engaging in pre-application advice and third, for leaving making a costs claim until the day of the hearing.
4. In respect of the first ground, it is possible to amend a scheme during the appeal process subject to a judgement as to whether anyone involved in the appeal might be prejudiced. In this case, I was satisfied no one was prejudiced, and, based on the case put to me I am not satisfied the Council incurred unnecessary or wasted expense as a result of the amendments received.
5. In respect of the second ground, whilst early engagement in pre-application advice has significant potential to improve the efficiency and effectiveness of the planning application system for all parties, local planning authorities cannot require that a developer engage with them before submitting a planning application.
6. In respect of the third ground, the PPG states that costs applications for hearing cases must be made before the hearing is closed. The appellant complied with this and their intention to submit a costs claim was made clear

on the appeal form so it should not have been a surprise to the Council that a claim was made on the day.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

L Perkins

INSPECTOR