
Costs Decision

Site visit made on 22 July 2019

by Rachael Pipkin, BA (Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th August 2019

Costs application in relation to Appeal Ref: APP/M5450/W/18/3217329 51 Taunton Way, Stanmore, HA7 1DJ

- 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 Sandeep Dubey for a full award of costs against the Council of the London Borough of Harrow.
 - The appeal was against the refusal of planning permission for retention of conversion of single dwelling to two self-contained units with associated internal alterations.
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The application for an award of costs is made on the basis that the Council has behaved unreasonably by its refusal of the application thereby preventing or delaying development which should clearly be permitted having regard to its accordance with the development plan, national policy and any other material consideration. In addition, the applicant has pointed out that the Council has previously lost appeals on this issue.
4. The Council gave one reason for refusal on the basis of the position of the front door where it could give rise to crime or the fear of crime. The reason for refusal set-out in the decision notice is complete, precise, specific and relevant to the application. It also clearly states the relevant policies of both the London Plan 2016¹ and the Harrow Development Management Policies Local Plan 2013 that the proposal would be in conflict with.
5. Whilst I have not agreed with the Council's decision, the Council has nonetheless produced clear reasoning in its delegated officer's report, supported by reference to current planning policies to justify its decision. It is clear that the Secure by Design Officer, as an external consultee, was concerned about safety issues which the Council was entitled to take account of in reaching its decision and did so.

¹ The Spatial Development Strategy for London consolidated with alterations since 2011

6. I acknowledge that the Council has previously lost appeals on similar issues to the one forming the basis of this appeal. However, I do not have the full circumstances of those previous appeals before me, I am therefore unable to confirm whether they are directly comparable to the appeal before me. In any case, the issues in dispute are a matter of planning judgement and the Council has produced substantive planning reasons to justify its decision. I do not therefore consider that the Council has behaved unreasonably in the process of determining the application.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in PPG, has not been demonstrated.

Rachael Pipkin

Inspector