



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/19/3224158 24 Haig Road, Stanmore, HA7 4EP

- 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 & Mrs Bharmal 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 single storey side and rear extensions, hip to gable conversion, provision of rear box dormer and insertion of two roof lights on the front elevation.
-

Decision

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

Reasons

2. Planning Practice Guidance (the 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. The PPG sets out that unreasonable behaviour in the context of an application for an award of costs may be substantive, relating to the issues arising from the merits of the appeal.
3. The application for an award of costs is made on the basis that the Council's approach has been inflexible and unresponsive, resulting in unnecessary delays. The applicants' main concern relates to the refusal of the Certificate of Lawful Development which now means that they will be unable to build the extension under permitted development before a deadline of 30 May 2019. The refusal of the Certificate of Lawful Development is the subject of a separate appeal¹ which the Council is defending and is not a matter before me. In the context of the appeal before me, this is not unreasonable behaviour.
4. The evidence before me, principally the Officer's report, demonstrates the Council's decision was reached following an assessment of the merits of the case and that this was guided by the relevant planning policies. The Council did not accept an amendment to the scheme to remove the loft extension because it considers the loft conversion requires planning permission. From the Officer's report it is clear that the loft extension was not the only element of the scheme that made it unacceptable, therefore the inclusion of this

¹ APP/M5450/W/19/3224134

element of the scheme did not alone give rise to a refusal. The Council was not therefore unreasonable in coming to that decision.

5. The evidence before me including the Officer's report and decision notice demonstrates that the Council has not unreasonably delayed approving development that should clearly have been permitted.

Conclusion

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not occurred. An award of costs is therefore not justified.

Rachael Pipkin

Inspector