



Costs Decision

by Hilary Orr MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2019

Costs application in relation to Appeal Ref: APP/M5450/X/19/3224134 24 Haig Road, Stanmore HA7 4EP

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr and Mrs Bharmal for a full award of costs against London Borough of Harrow.
 - The appeal was against the refusal of the Council to issue a certificate of lawful use or development for alterations to roof to form end gable and rear dormer with Juliet balcony; installation of two roof lights in front roof slope and new window in side single storey side extension; single storey rear extension.
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Decision

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

Reasons

2. Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The appellant's case is the inflexible approach taken by the Council has resulted in unnecessary delays in determining the application and as a result of these delays the date for completion of the works (30 May 2019) has passed.
4. It will be seen from my decision that I concluded that the Council's refusal to grant a certificate of lawful use or development was not-well founded and that the appeal should fail.
5. However, the submitted plans were not clear and accordingly I have made my decision on the additional evidence I now have before me. Whilst I understand the sense of frustration which delays might have, I have no reason to conclude that the Council behaved unreasonably in the procedure leading up to their decision. Moreover, Statutory Instrument 2019 No.907 makes permanent, the existing temporary right to enlarge a dwellinghouse by up to 8 metres in the case of a detached dwellinghouse or by 6 metres in the case of any other dwellinghouse, as permitted by Class A of Part 1 of Schedule 2 to the Order. It therefore removes the time limiting date of 30th May 2019.
6. As a result, it follows that I cannot agree that the Council has acted unreasonably, and that any delay has directly caused any party to incur unnecessary or wasted expense in the appeal process.

Conclusion

7. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has not been demonstrated in this instance. Accordingly, I refuse the application for an award of costs against the Council.

Hilary Orr

INSPECTOR