



Costs Decision

Site visit made on 18 February 2020

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2020

Costs application in relation to Appeal Ref: APP/T5150/W/19/3242040 3 Coventry Close, London NW6 5TJ

- 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 Brent for an award of costs against Mint Auto Wash Ltd.
 - The appeal was against the refusal of planning permission for "Change of use from open storage to open storage and car wash to include the erection of canopy (personal planning permission to Mint Auto Wash Ltd)".
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Decision

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

Reasons

2. The Planning Practice Guidance (the PPG) sets out that parties in planning appeals are expected to behave reasonably. It goes on to say that where a party has behaved unreasonably, and that unreasonable behaviour has caused unnecessary or wasted expense in the appeal process, they may be subject to an award of costs. The PPG sets out examples of behaviour which may give rise to an award of costs against an appellant.
3. The Council claims that in submitting this application, the appellant has acted unreasonably, resulting in wasted time and expense. That claim is predicated on there being no substantive new argument or justification for the proposal and that as the appellant was professionally represented, those representatives should have counselled against further applications or appeals. The Council reiterated this view in their additional costs submission of 6 March 2020.
4. I have set out in my decision on the appeal itself that there is, in my view, a material difference between the proposal which was subject of the previous appeal and this one.
5. It is not in itself therefore unreasonable for appellants to seek to test the acceptability of revised development proposals in light of earlier decisions, and in my view that is what was done in this case.
6. I also consider that the reasons for doing so were adequately explained in the submissions of the appellant. The Council has a statutory duty to determine planning applications, and I note that despite its comments on the similarities between the current appeal proposal and the previous appeal proposal, it chose not to exercise the powers available to it to decline to determine the application.

Conclusion

7. I therefore find that the appellant has not demonstrated any behaviour which could be considered unreasonable in the terms of the PPG, and which then resulted in unnecessary or wasted expense on the part of the applicant. The application for an award of costs is therefore refused.

S Dean

INSPECTOR