
Costs Decision

Site visit made on 22 September 2020

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday, 08 October 2020

Costs application in relation to Appeal Ref: APP/T5150/W/20/3253092 23 Eagle Road, Wembley HA0 4SH

- 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 Dilip Navapukar for a full award of costs against the Council of the London Borough of Brent.
 - The appeal was against the refusal of planning permission for the conversion of a single dwelling house to three flats.
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Decision

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

Reasons

2. Paragraph 030 of the National Planning Practice Guidance (PPG) advises that 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. Local Planning Authorities are encouraged, through the PPG, to exercise their development management responsibilities by relying on reasons of refusal which stand up to scrutiny through the planning merits of the case.
3. The planning application was refused for one reason. In summary, this was due to it being considered that the layout of the proposed development meant that not all residents would experience appropriate levels of outlook.
4. Following the refusal of the planning application, my attention has been drawn to the individual circumstances of the appeal site and the proposed layout which meant that some of the proposed rooms would not have appropriate outlook. Furthermore, in considering the appeal, my attention has been drawn to adopted planning policies that seek to ensure that all future residents of a proposed development experience appropriate living conditions. In consequence, I am unable to find any evidence of unreasonable behaviour in this regard.
5. I acknowledge concerns have been raised by the appellant as the Council did not appear to engage in negotiations during the planning application process. However, it has not been demonstrated that such negotiations would have led to a different outcome to the planning application. In addition, I am mindful that the PPG is clear that costs can only be awarded in respect of appeal proceedings.

6. Given that I have found that the Council's case was properly substantiated and the evidence before me is not indicative of any unreasonable behaviour by the Council in respect of any procedural matters during the course of the appeal, I am not satisfied that an award of costs is justified.
7. As a result, it follows that I cannot agree that the Council has acted unreasonably in this case. As such, I do not believe that the appellant was put to unnecessary or wasted expense. Therefore, an award of costs is not justified.

Conclusion

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

Benjamin Clarke

INSPECTOR