
Costs Decision

Site visit made on 19 January 2021

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 February 2021

Costs application in relation to Appeal Ref: APP/M5450/W/20/3257956 34 Culver Grove, Stanmore HA7 2NW

- 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 Harrow for a full award of costs against FPG (UK) Ltd.
 - The appeal was against the refusal of planning permission for demolition of a garage and erection of a single dwelling of 3 bedrooms on land next to 34 Culver Grove.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The Local Planning Authority states that the appellant was unreasonable and unnecessary or wasted expense was incurred in dealing with the appeal that follows a recent appeal decision in respect of a similar development for a dwelling on the same site and that the reasons for refusal for the development are generally aligned with those set out on the first application for a 4 bed dwelling where an Inspector dismissed the appeal in November 2019¹.
4. The PPG sets out a non-exhaustive list of examples of unreasonable behaviour on substantive grounds² which may put an appellant at risk of an award of costs. Relevant to the case of this application, it states that the appeal follows a recent appeal decision in respect of the same, or a very similar, development on the same, or substantially the same site where the Secretary of State or an Inspector decided that the proposal was unacceptable and circumstances have not materially changed in the intervening period could be considered unreasonable.
5. I have considered the arguments put forward by the appellant regarding the principle of a new dwelling on the site and the changes made in response to the previously dismissed scheme in order to minimise the impacts of the development on the existing/future occupiers and the area. However, the

¹ APP/M5450/W/19/3232502

² Planning Practice Guidance: Paragraph 053 Reference ID: 16-053-20140306049

proposed dwelling would be for a similar development on the same site. There has been no fundamental nor significant changes on the site nor in the policy context since the previous appeal and the circumstances have not materially changed in the intervening period.

6. Whilst subject to a separate Decision, it will be seen from my appeal decision, I largely concur with the conclusions of the Inspector on the previous appeal on the site. I have found having considered the individual merits of the proposal before me, that the principle of the proposed development on garden land would be unacceptable together with finding harm to the character and appearance of the area and the future occupiers of the proposed dwelling.
7. As such, I can make no other conclusion than that appellant was unreasonable and unnecessary or wasted expense was incurred in dealing with the appeal. I therefore consider that the appellant has acted unreasonably in this regard.
8. As a result, I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that a full award of costs is justified.

Costs Order

9. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that FPG (UK) Ltd shall pay to Council of the London Borough of Harrow the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
10. The applicant is now invited to submit to FPG (UK) Ltd, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

David Troy

INSPECTOR