



Costs Decision

Site visit made on 26 January 2021

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2021

Costs application in relation to Appeal Ref: APP/M5450/W/20/3258895 8 Clifton Road, Harrow, London HA3 9NS

- 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 Mrs Suzette Thomas for a full award of costs against the Council of the London Borough of Harrow.
 - The appeal was against the refusal of the Council to grant planning permission for the alteration and retention of B1 Office Building.
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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 the Council.
3. The applicant suggests that the Council has behaved unreasonably by taking an excessive amount of time to validate then ultimately determine the application. The applicant also alleges that the Council was neither proactive nor collaborative in their approach to determining the application. It is their view that this approach gave rise to the need for an appeal, and the costs associated with that process.
4. In response, the Council notes that whilst there were delays in validating the application, this was due to unmet information requirements, all of which were set out in its validation check list. It also stresses that despite guidance in the National Planning Policy Framework (the Framework), the determination of planning applications need not be iterative, and that as the proposal was unacceptable in principle, it saw no need to negotiate on detail.
5. It is clear from the chronology that a long period of time elapsed between the submission of the application and its determination. However, the PPG is clear that costs cannot be claimed for the period during the determination of the planning application, even though all parties are expected to behave reasonably throughout the planning process.
6. Whilst the PPG notes that behaviour and actions at the time of the planning application can be taken into account in the consideration of whether or not costs should be awarded, it first requires that an applicant demonstrate that a

party has behaved unreasonably during the appeal and how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.

7. In my view the Council has not demonstrated any unreasonable behaviour during the appeal, and the applicant has not demonstrated how any of the alleged unreasonable behaviour resulted in unnecessary or wasted expense during the appeal process.
8. The requirement for the applicant to submit a Flood Risk Assessment was not unreasonable and formed a valid reason for refusal. The information originally submitted was inadequate and it was a matter which had to be corrected, whether pre-decision or in the event of an appeal. It would not have been appropriate to deal with such a fundamental issue through a condition.

Conclusion

9. I therefore find that during the appeal the Council did not demonstrate behaviour which could be considered unreasonable in the terms of the PPG, which then resulted in unnecessary or wasted expense on the part of the applicant.
10. The application for an award of costs is therefore refused.

S Dean

INSPECTOR