



Costs Decision

Site visit made on 12 October 2021

by Joanna Gilbert MA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2021

Costs application in relation to Appeal Ref: APP/T5150/W/21/3271604 486 North Circular Road, Stonebridge, London NW10 1SP.

- 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 D Saurumper on behalf of Lajoll Limited 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 change of use of the premises to a 7 room HMO for 7 individuals with the provision of a communal kitchen and communal lounge area.
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Decision

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

Reasons

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and therefore caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour may be procedural and/or substantive.
3. The applicant refers to planning permission 20/2146 having been implemented for a C4 House in Multiple Occupation (HMO), thus not resulting in the loss of a family dwellinghouse. Moreover, the applicant refers to the Council's concerns about the quality and dimensions of the proposed accommodation and the scope for the number of occupants to have been restricted by condition.
4. While the Council has put forward a condition to restrict the occupation of the proposed development to no more than 7 occupants, it will be seen from the accompanying appeal decision that I consider the quality of communal accommodation would not be acceptable for 7 occupants. This is notwithstanding the Council's HMO licensing scheme and having reached my own conclusions with regard to the disputed storage and fridge freezer area.
5. Although internal alterations related to the proposed development would be relatively limited, it will also be evident from the accompanying appeal decision that there were reasonable grounds for withholding planning permission with regard to the loss of a single family dwellinghouse and the evidence of local need for HMO. I therefore find that unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. Therefore, no award of costs is made.

Joanna Gilbert

INSPECTOR