



Costs Decision

Site visit made on 26 October 2021

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2021

Costs application in relation to Appeal Ref: APP/M5450/W/21/3266661 238 - 244E Streatfield Road, London HA3 9BX

- 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 Nishal Patel for an award of costs against the Council of the London Borough of Harrow.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for a two storey rear extension at first floor and second floor levels, mansard roof addition with dormer windows, reconfiguration of existing seven residential units above the shops in association with creating 15 new flats (2 x 3 bed, 10 x 2 bed and 3 x 1 bed) together with use of the rear flat roof of the existing ground floor extensions as amenity space and provision of cycle storage and refuse storage.
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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. Against those examples, the applicant claims that the Council acted unreasonably by failing to issue their decision on time and not negotiating on the application, leading to costs associated with the appeal.
4. The PPG is clear that in circumstances where the local planning authority will fail to determine an application within the time limits, it should give an explanation, both to the applicant during the application process and then at the appeal stage.
5. From the response of the Council, I am satisfied that the applicant would have been aware, during the application process of the reasons for the delay to the decision. Similarly, I am satisfied by the reasons given that the behaviour of the Council in this respect was not unreasonable. Given the scale of fault which the Council found with the proposal, and with which I have agreed in my main decision, I do not consider that negotiation during the application process would necessarily have enabled the appeal to have been avoided altogether. That the Council would take this approach was also clear from their pre-application advice to the applicant.

Conclusion

6. I therefore find that the Council has not demonstrated behaviour, either in relation to their failure to issue a decision within the time limit, or in relation to their failure to negotiate on amendments which could be considered unreasonable in the terms of the PPG, and which then resulted in unnecessary or wasted expense.
7. The application for an award of costs is therefore refused.

S Dean

INSPECTOR