

Costs Decision

Site visit made on 8 December 2021

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 March 2022

Costs application in relation to Appeal Ref: APP/M5450/W/21/3280971 8 Clifton Road, Harrow 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 Ms Suzette Thomas for a full award of costs against the Council of the London Borough of Harrow.
 - The appeal was against the non-determination of an application, Ref: P/0628/21 dated 15 February 2021, for a two storey side extension and reinstatement of hip end roof slope and removal of one roof light to existing single dwelling house.
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Decision

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

Reasons

2. The Planning Practice Guidance 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. This includes cases where development that should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations, has been prevented or delayed.
4. The appellant considers that the Council has acted unreasonably in that it failed to determine the application in a reasonable time and did not keep the appellant updated with progress or respond to correspondence in a timely fashion.
5. The application was first submitted in February 2021. Just before the expiry of the statutory period, the Council informed the appellant that a Flood Risk Assessment (FRA) was required and gave the Appellant the opportunity to submit the required information. Whilst this was 'late in the day' this reflects a positive approach by the Council and an extension of time was agreed to enable the process to continue. The required information was submitted in early May but the Appellant suggests that no communication has been received from the Council since the FRA was submitted, albeit the original case officer did advise of their imminent departure, and despite confirmation that further extensions of time would be likely to be considered favourably.
6. The Council has explained this lack of communication by noting that the original case officer left the authority around the time of the submission of the FRA and it was not possible to assign a new case officer to the case until August 2021. However, the Appellant had lodged the appeal by this time it

being some three months since the further information requested had been submitted.

7. I acknowledge that the Council initially took a proactive approach in accordance with the National Planning Policy Framework, but the Planning Practice Guidance makes clear that Council's should continue to review cases as part of sensible on-going case management. However, I note the Council's difficulty with staffing levels generally and the delay in being able to assign a new case officer. Whilst this unfortunate situation meant that the Council was unable to update the Appellant, as would have been the ideal situation, it is also the case that following the expiry of the first agreed extension of time, the Appellant would have had the opportunity to appeal against non-determination.
8. Overall, whilst I have found that the appeal proposal does comply with the development plan and should therefore be granted permission, I do not consider that the Council acted unreasonably having regard to all the relevant circumstances. However, there is clearly there is a need to review processes in terms of case management and communication with applicants.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

P Jarvis

INSPECTOR