
Costs Decision

Site visit made on 16 March 2022

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2022

Costs application in relation to Appeal Ref: APP/M5450/W/21/3279524 Mallory, Priory Drive, Stanmore HA7 3HN

- 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 Mr Veenay Shah .
 - The appeal was against the refusal of planning permission for the variation of condition 2 (approved plans) attached to planning permission Ref P/1404/18, dated 3 August 2018.
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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 thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The application was made in writing so no need to repeat here. Essentially, the Council consider that the submission of this appeal, including the request for a hearing, following the previous refused planning applications and appeal decision, without any significant changes, results in unreasonable behaviour by the appellant.
4. It is clear that the scheme for the replacement dwelling has evolved over time, and that the current proposal is materially different than the previous schemes submitted. It is not unreasonable for the appellant to attempt to overcome the previous refusal through a revised and materially different application. Indeed, the Council accept that there are sufficient material differences to warrant determination of the application. and have not sought to exercise powers under s70 of the Town and Country Planning Act 1990 to decline to determine similar applications. It will be seen from my decision that I agree with the Council that the current proposal does not overcome the previous reasons for refusal. Nevertheless, the appellant was entitled to pursue the appeal and put forward their preferred choice of procedure. As a result, I do not agree that the appellant has acted unreasonably or that the Council was put to unnecessary or wasted expense.
5. In response, the appellant has raised concerns that the Council has introduced new evidence to the substance of their case through their costs application. However, the document submitted illustrates that the scheme has evolved over

time and that current appeal scheme is materially different than the previous applications and appeal. For clarity, I have given no weight to that drawing in my main decision.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, no award is made.

R Satheesan

INSPECTOR