



Costs Decision

Site visit made on 21 September 2022

by Emma Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2022

Costs application in relation to Appeal Ref: APP/T5150/W/22/3295841 51 Highmeadow Crescent, London NW9 0XE

- 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 A Gokani for a full award of costs against London Borough of Brent.
 - The appeal was against the refusal of planning permission for the demolition of existing store, construction of two storey side/rear extension, part single storey rear extension, conversion of dwelling house into two flats, front bin store, cycle store and division of garden to provide private amenity for future occupiers of both flats Ref 21/3966, dated 21 October 2021, refused by notice dated 8 February 2022.
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Decision

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

Reasons

2. The Planning Practice Guidance (the PPG) 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 Council refused planning application Ref 21/3966 because the site was considered not to be in an appropriate location for new housing development, having regard to accessibility to public transport and as such the development was contrary to Policies BH4 and BH11 of the Brent Local Plan 2022.
4. The applicant purports that the Council has exhibited unreasonable behaviour that made the appeal necessary as a consequence of its inconsistent assessments of the proposal against LP Policy BH11. In assessing an earlier planning application for a comparable proposal on the same site (reference: 21/2050), the Council raised no objection in principle to the proposed development in this location. The application was refused by the Council on 3 August 2021, neither adopted Policy DMP17 of the Council's Development Management Policies (2016) or emerging LP Policy BH11 were referred to in the Council's refusal reasons.
5. I note that following the refusal of this first application, the appellant amended the scheme and resubmitted the proposal. There might have been an

expectation that having addressed the first reasons for refusal, the second application would have been approved. However, by the time the second application was refused, from the Council's decision notice it appears that the Brent Local Plan had been adopted and only policies from the new Local Plan were referred to. The Council was required to determine the application in accordance with the development plan, which it did, and I have found that its approach was robust in light of the locational strategy set by policies BH4 and BH11 from the Local Plan. Moreover, the first application is not a scheme that is before me. I can only consider the appeal development.

6. I conclude therefore that the Council has not acted unreasonably and has not caused the applicant to incur unnecessary or wasted expense in the appeal process.

Conclusion

8. The application for costs is refused.