



Costs Decision

Site visit made on 4 November 2022

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 7 December 2022

Appeal A Ref: APP/M5450/W/22/3291935

70 Uxbridge Road, Stanmore, Middlesex HA7 3NQ

- The application for costs is made under section 78 of 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 Rajan Patel for a full award of costs against the decision of London Borough of Harrow Council.
 - The appeal was against the refusal of planning permission Ref P/2585/21, dated 20 June 2021 for the demolition of existing dwelling and outbuildings and erection of new building housing 1 replacement dwelling and 7 new dwellings across ground, first and roof level with associated bins and cycle store
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Decision

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

Reasons

2. The Planning Practice Guidance (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. In this case the Appellant is aggrieved primarily due to the allegation that members of the Planning Committee who determined the application did not take fully into account the specialist advice of their planning case officer or the highways consultee in determining this application.
4. The application was therefore refused unanimously by Members of the Committee and this resulted in a second planning application being submitted. This second application provided the Council with further evidence to support the Appellant's claim and the policy support, for disabled parking only being required for developments of more than ten dwellings.
5. The Local Planning Authority (LPA) have reiterated that Members of the Planning Committee were at liberty to overturn the Planning Officer's recommendation and that the final decision, on both occasions, was unanimous.
6. In assessing this award for costs it appears to me that Members of the Committee seemingly felt very strongly about the need for on site disabled parking and this is reflected in the unanimous decision. Unfortunately, due to

the very specific issues at play here it would have been impossible to obtain such vehicular access that was safe in highway terms.

7. Notwithstanding this the question is whether this decision was reasonable according to the PPG. Since we cannot understand the precise reasons for Members wishing to provide disabled parking, this is not an aspiration to be necessarily frowned upon. Therefore, I do not consider it unreasonable for Members to sincerely seek to achieve such an outcome.
8. However, members were, through the application and the Officer's Delegated Report, given ample evidence as to why this provision on site would be impossible. The decision then relied upon the other benefits of the scheme including the provision of more housing within what is a sustainable location.
9. For whatever reason Members felt this issue to be so important that they sought to overturn their Officer's recommendation, despite this evidence. This was ultimately within their gift. I do not have any evidence before me as to specifically why this occurred, but I do consider that such topics could well be locally sensitive and could see that there could well have been a preference for the provision of such parking in excess of the policy requirements as set out in The London Plan.
10. Therefore, although I can fully see why such an outcome would be frustrating for the Appellant, ultimately a decision taken by Members in such a situation would be within their remit and based upon their own intimate knowledge of an area and its specific issues. Therefore, I cannot with any certainty state that this behaviour was unreasonable.
11. Although therefore the ultimate refusal of planning permission did result in the need for this appeal and the costs associated with it I do not consider that the actions of the Council represent unreasonable behaviour as defined in the Planning Practice Guidance. For this reason, and having regard to all other matters raised, an award of costs is not therefore justified.

A Graham

INSPECTOR