



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: 30 December 2022

Appeal Ref: APP/M5450/D/22/3303763

53 Suffolk Road, Harrow HA2 7QF

- The application of 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 Nahyan Godil 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/0940/22 dated 7 March 2022, for proposed single storey front extension incorporating porch; single storey and two storey side to rear extension; single storey rear extension; alterations and extension to roof; rear dormer; rooflights in front and both side roofslopes; external steps at rear; extension of hardstanding at front; external alterations (demolition of attached garage).
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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 in determining this application and the reasons for refusal were not expressly made clear through this process of determination.
 4. 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 and reasons for this decision were accurately reflected within the Council's Committee minutes as well as the wording within the decision notice itself.
 5. In assessing this award for costs it appears to me that members of the Committee seemingly felt very strongly about certain aspects of this proposal and this reflects the amount of letters that were received during the planning application itself. Although the Planning Case Officer seemingly went to great lengths to improve the proposed design of this scheme, ultimately it seems to me that members of the Planning Committee disagreed.
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6. The main issue before me therefore appears to be the means by which this application was determined and recorded. Although the minutes of the Planning Committee fail to record any specific debate or discussion over the scheme, this clearly does not accurately reflect the opinions of Members as a robust reason for refusal was suggested by a Member of the Committee. Moreover, this reason did provide officers with a robust means of refusal and it was in no way left to officers to devise the reasons for themselves.
7. As such although I sympathise with the Appellant's frustration that more of the discussion of this meeting was not recorded through the published minutes, it is my understanding that the Appellant's could have attended the meeting or could have observed its proceedings at a later date online. As such they could have observed first hand the reasoning given and gained an understanding as a result.
8. 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 and this resulted in the reason for refusal as suggested. Therefore, I cannot with any certainty state that this behaviour was unreasonable.
9. 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