



Costs Decision

Site visit made on 15 February 2023

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2023

Costs application in relation to Appeal Ref: APP/T5150/W/22/3306272 153 Anson Road, Brent, London NW2 4AL

- 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 Mohamed Zand Farid for a full award of costs against the Council of the London Borough of Brent.
 - The appeal was against the refusal of planning permission for demolition of existing garage and storage and erection of 1 x one bedroom dwelling house.
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Decision

1. The application for an 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. The applicant considers that the Council has behaved unreasonably on the basis that the unreasonable refusal of planning permission has caused unnecessary expense, comprising the costs of the appeal.
4. The applicant cites one specific example of alleged unreasonable behaviour, in that the Council refused planning permission because the external height of the building exceeded 2.5 metres on one hand, and simultaneously that the internal floor-to-ceiling height fell short of 2.5 metres.
5. In this case, the external height was considered in relation to the character of the area and the living conditions of neighbours, whereas the internal height concerned the living conditions of future occupiers. Accordingly, whilst the stated measurement of 2.5 metres was the same, the matters being assessed were fully disparate, and the Council's reasons for refusal were adequately substantiated.
6. Other than the specific example cited above, the applicant's claim for costs refers generally to the appeal submission as a whole. Whilst the parties disagree on the outcome of the assessment, I am satisfied that the Council reached its conclusions following proper process and in a reasonable manner.
7. Paragraph 049 of the PPG states that local planning authorities are at risk of an award of costs if they behave unreasonably, with examples of unreasonable

behaviour including failing to produce evidence to substantiate each reason for refusal on appeal, or vague, generalised or inaccurate assertions about a proposal's impact. Whilst in determining the appeal I have not reached the same conclusions as the Council on all matters, I am satisfied that these were matters of planning judgement that do not amount to unreasonable behaviour. All reasons for refusal were appropriately substantiated and none of the criteria amounting to unreasonable behaviour as set out in the PPG have been met.

Conclusion

8. Based on the information before me, I find no unreasonable behaviour resulting in unnecessary or wasted expense during the appeal process has been demonstrated, as set out in the PPG. The application for an award of costs is therefore refused.

P Storey

INSPECTOR