



Costs Decision

Site visit made on 15 June 2023

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2023

Costs application in relation to Appeal Ref: APP/T5150/W/22/3309611 31 Ballogie Avenue, Brent, London NW10 1SU

- 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 Abe Kantor for a full award of costs against London Borough of Brent.
 - The appeal was against the refusal to grant subject to conditions planning permission for hip to gable loft extension to facilitate an additional HMO room.
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Decision

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

Reasons

2. Irrespective of the outcome of an appeal, costs may be awarded against a party who has behaved unreasonably, in either a procedural or substantive way, and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Paragraph 049 of the Planning Practice Guidance (PPG) sets out the examples of unreasonable behaviour by local planning authorities which includes preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations and making vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The application essentially relies on the fact that the Council refused planning permission for the proposed development.
5. The decision is one which is a matter of planning judgement based on the merits of the proposal. Whilst I have not sided with the Council with regard to the merits of the development proposal the Council produced a largely cogent report. There is nothing substantive to indicate that they failed to give due regard to the previous planning permission or the existing use. In addition, the reason for refusal set out in the decision notice is complete and relevant to the application. It also clearly states the policies of the Brent Local Plan and London Plan that the proposal would be in conflict with. As a result, it follows that I do not agree that the Council acted unreasonably in this case.

Conclusion

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG has not been demonstrated. For this reason, and having had regard to all other matters raised, an award of costs is not justified.

B Thandi

INSPECTOR