



Costs Decision

Site visit made on 28 June 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 August 2023

Costs application in relation to Appeal Ref: APP/M5450/W/22/3294634 231-233 High Road, Harrow HA3 5EE

- 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 W E Black Ltd for a full award of costs against the Council of the London Borough of Harrow.
 - The appeal was against the refusal of planning permission for redevelopment to provide three to four storey building to create flats; parking; associated landscaping; refuse and cycle storage; closure of two existing vehicle accesses and creation of new vehicle access.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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 submits that the Council has acted unreasonably in that there were delays in providing appeal documentation and that it failed to properly co-operate with the applicant, including in respect of the legal agreement. This is alleged to have resulted in wasted time and cost.
4. In respect of the delays in appeal procedures, I note that the Council acknowledge this. However, I am not of the view that this has necessarily resulted in any unnecessary or wasted expense in the appeal process.
5. In respect of the planning decision, I have noted each of the Council's reasons for refusal, including reasons 2 and 3. These are specific and relevant to the application. They also clearly state the policies of the development plan which the proposal is considered to conflict with. These reasons, in my view, when taken together with the officer report, have been adequately substantiated, irrespective of any other decisions or proposals on the same site.
6. I acknowledge the frustration of the applicant in their attempts to communicate with the Council on various matters. However, I find nothing to suggest that a decision was not reached on the basis of the merits of the proposal, or that the Council would have come to any other decision overall if certain matters had been dealt with more efficiently. There is also no substantive evidence before me to demonstrate that the appellant incurred any additional expense as a result of these delays, and the decision was made on the basis of the refusal of planning permission rather than non-determination.

7. It is evident from the main decision that I have disagreed with a number of the Council's reasons for refusal. Nevertheless, I am satisfied that the Council's overall determination of the application, and its reasoning, were credible and that it was entitled to reach the decision it did.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted. The Council set out a counter request for costs. However, there is insufficient evidence before me to substantiate this or to demonstrate how the applicant behaved unreasonably.

A Price

INSPECTOR