



Costs Decision

Site visit made on 29 August 2023

by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA

an Inspector appointed by the Secretary of State

Decision date: 10 November 2023

Costs application in relation to Appeal Ref: APP/T5150/C/23/3314200 42 Briar Road, HARROW, HA3 0DR

- The application is made under the Town and Country Planning Act 1990, sections 195, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr S Haji-Essa against the London Borough of Brent for a full award of costs.
 - The site visit was in connection with an appeal against the issuing of an enforcement notice for the formation of a new hardstanding to the front garden of the premises, and the alterations to the dwarf brick wall to the front of the premises (Northwick Circle Conservation Area).
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Decision

1. The costs application is refused.

The submissions

2. The submissions for the appellant and Council were made in writing.

Reason

3. The Planning Practice Guidance 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.
4. Essentially the appellant's case is that the Council has behaved unreasonably, procedurally and in substance. He says there were vague, unsubstantiated allegations, not due diligence, no agreement to a statement of common ground, delays in provision of information and not giving time for legal advice before issuing the notice. The allegations were vague, unproven, confusing and did not recognise need for maintenance. The Council also has not been consistent when enforcing this issue in the area.
5. The Council note it has acted reasonably. There was a breach of planning control so enforcement action was taken. The final notice took account of discussions and resolved issues were not included in the notice. There was no delay as effectively the council has 4 years in which to take enforcement action. There was time to seek legal advice after the notice is issued, but the appellant has chosen to represent himself.
6. There clearly has been discussion between the appellant and Council prior to the notice being issued and while there was no statement of common ground, the Council note the enforcement notice issued took account of the discussions. A

statement of common ground is not mandatory and in this case would not have helped as clearly there was a difference between the parties about the substance of what has occurred. The system of issuing an enforcement notice allows reasonable time for consideration. I do not accept that the timing of the notice was unreasonable.

7. I understand that the appellant did not agree with the allegation, but it was clear in what the enforcement notice identified as being unauthorised and the steps necessary to rectify the situation. In the appeal I have agreed with the Council and so do not agree that the Council's argument was illogical. I do not accept the inconsistency argument as changes to different properties have been undertaken at different times, when different rules would have applied. In particular, the Council is now aiming to control development of front gardens with the introduction of the Article 4 direction.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Graham Dudley

Planning Inspector