



Costs Decision

Site visit made on 26 September 2023

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 December 2023

Costs application in relation to Appeal Ref: APP/M5450/W/23/3314704 1 Ash Hill Drive, Pinner, Harrow HA5 2AG

- 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 Gada Property Investments Limited 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 proposed development described as "3 storey new build residential development comprising 1x1 bed apartments & 7x2 bed apartments with associated car parking and secure cycle storage, ancillary and amenity space".
-

Decision

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

The submissions for Gada Property Investments Limited

2. The applicant considers the Council has exhibited unreasonable behaviour with respect to the substance of the matter under appeal. The applicant argues the Council failed to apply full weight to all material considerations in its assessment and subsequently drew a wholly inaccurate assertion that the proposal would result in an overdevelopment of the site with impacts on the setting of the locally listed cottages on Cuckoo Hill. The applicant goes on to state that the Council refused the proposal based on vague and generalised statements rather than direct reference to policy or guidance. The applicant also argues the Council's statement of case fails to present a respectable case to show clearly why the appeal proposals should not be permitted.

The response by the Council of the London Borough of Harrow

3. The Council state that the Planning Committee (PC) were within their rights to come to a decision which differs from the officer's recommendation and that the minutes of the PC set out the justification for the refusal. They add that this justification, and the reason for refusal itself, relate to material considerations relevant to the proposal, with clear reference made to relevant planning policy. The Council further state that the reason for refusal relates to matters of character and design, which are subjective.

Reasons

4. Under section 38(6) of the Planning and Compulsory Purchase Act 2004, decisions must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan policies and other material considerations relevant to the proposal were set out in the

officer report about the planning application. This report was considered by the Council's PC.

5. Whilst drawing upon the site-specific and scheme-specific facts of the application, the matter of character and appearance is significantly subjective. The officer report concluded that the effect of the proposal on the character and appearance of the area, including the setting of the locally listed buildings, was acceptable. However, when applying their planning judgement to this issue, the PC reached a different conclusion.
6. As decision-maker, the PC was not bound to accept the recommendation of officers, so long as it justified its decision and showed it to be reasonable. The reasons for the PC's decision are recorded in its reason for refusal, with specific reference to relevant development plan policies. I therefore find the PC's alternative conclusion was appropriately justified. These reasons are further explained, succinctly and reasonably, in the Council's statement of case for this appeal.
7. Therefore, whilst I do not agree with the PC's conclusion, on balance, the action taken was not unreasonable.

Conclusion

8. For the above reasons, I conclude unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

C Carpenter

INSPECTOR