

Costs Decision

Site visit made on 16 January 2024

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 February 2024

Costs application in relation to Appeal Ref: APP/M5450/D/23/3329284 60 Hutton Lane, Harrow, HA3 6RD

- 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 Dr Rohit Pethe against the decision of the Council of the London Borough of Harrow
 - The appeal was against the refusal of the conversion of an existing outbuilding into Granny Annexe and home cinema for incidental use of occupiers of the host dwelling.
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Decision

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

Reasons

2. The Planning Practice Guidance advises that costs may be awarded against a party that has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The appellant considers that the Council has behaved unreasonably by not considering the application as submitted but as it felt the proposal 'could' be used for. The appellant states that the Council did not take into account relevant case law or previous appeal decisions; and that it did not use conditions to make what it considered to be an unacceptable proposal acceptable.
4. In taking into account all of the information before me, I consider that the Council set out clear reasoning as to why it considered that the proposed development would result in unacceptable living conditions and that in reaching this conclusion in the way that it did, the Council considered the application as submitted.
5. Whilst the Council did not refer to case law or to previous appeal decisions, its reasoning was supported by reference to adopted planning policy.
6. In respect of case law and appeal decisions, I noted in my decision that notwithstanding the appellant's references to examples of other decisions elsewhere, the proposal the subject of this appeal would result in significant harm.
7. The Council concluded that the proposal the subject of this appeal would result in significant harm and it did so with direct reference to relevant adopted planning policy. Given this, I find that it was not unreasonable for

the Council to rely on planning policy in the way that it did and not to refer to case law or to other appeal decisions.

8. In respect of conditions, there is nothing before me to demonstrate that the Council could have made an unacceptable development proposal acceptable by the use of planning conditions.
9. A key factor in the refusal of the planning application was the cramped living conditions afforded by the proposal. There is nothing before me to demonstrate that the Council could have altered this via the imposition of planning conditions.
10. Taking all of the above into account, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

N McGurk

INSPECTOR