



Costs Decision

Site visit made on 19 December 2023

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2024

Costs application in relation to Appeal Refs: APP/M5450/C/23/3319098 & APP/M5450/C/23/3319099 at 5 Canons Corner, Edgware HA8 8AE

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by the Council of the London Borough of Harrow for a partial award of costs against Kosha Ltd and Mr Pesarlay Bakhtani.
 - The appeal was against an enforcement notice alleging the material change of use of a restaurant to a banqueting hall and the unauthorised construction of a wooden and Perspex single-storey rear extension.
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Decision

1. The application 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. Unreasonable behaviour may be either procedural, relating to the process, or substantive, relating to the issues arising from the merits of the appeal. The PPG advises the right of appeal should be exercised in a reasonable manner. An appellant is at risk of an award of costs being made against them if the ground of appeal had no reasonable prospect of succeeding.
4. The Council suggests that the appellants have not provided any detailed argument under ground (c). However, the appellants' case under ground (c) is set out on their appeal form. While the appellants have not succeeded in their appeal under ground (c), they have exercised their right of appeal and were not unreasonable in doing so.

Conclusion

5. I therefore conclude that unreasonable behaviour by Kosha Ltd and Mr Pesarlay Bakhtani, resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

M Savage

INSPECTOR