



Costs Decision

by Ken McEntee

a person appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 18 July 2024

Appeal ref: APP/T5150/C/24/3341385

Land at 9A and 9B Northwick Avenue, Harrow, HA3 0AA: Town and Country Planning Act 1990 – Sections 174 and 322: Appeal by Mrs Jayshree Pattni: Application for costs

This decision deals with the London Borough of Brent's application for a full award of costs against the appellant as made in correspondence of received on 6 June 2024. The appellant's agent, Mrs Sukhneel Kaur Goel of The GPT Law Practice, responded on 18 June 2024.

Summary of decision: The costs application succeeds to the extent that a partial award of costs is being made.

Reasons for the decision

1. Although the Council contend that the appellant did not put forward any supporting reasoning for the appeal, I note from the appeal form it is stated that she requires more time to comply with the notice as she intends to submit a retrospective planning application. Therefore, I do not consider there has been unreasonable behaviour in this respect.
2. The appeal was made against an enforcement notice (E/24/0028) concerning the alleged breach of the erection of a timber framed canopy extension onto the existing rear extension of the premises. However, it appears from written and photographic evidence submitted by a third party that the notice had been complied with as the unauthorised canopy had been removed before the appeal was submitted. The appeal was submitted on 25 March 2024, but the agent contends that it was made against the wrong enforcement notice and the intention was to appeal against notice (E/23/0520) concerning the unauthorised erection of an outbuilding. The agent made requests to the Inspectorate on 4 and 9 April 2024 for the appeal to be amended and to proceed against notice (E/23/0520), but on the 16 April 2024 the Inspectorate explained that this could not be done. However, instead of withdrawing the appeal, the appellant continued to pursue it in the knowledge that notice (E/24/0028) had been complied with, or at least was in the process of being so, as stated by the agent in her e-mail of 4 April 2024. The Council's statement of case was received on 20 May 2024.
3. I accept that appealing against the wrong notice was a genuine error and the agent made attempts to rectify it through correspondence with the Inspectorate. However, this error was compounded by the appellant's failure to withdraw the

appeal once it was realised it could not be switched to a different enforcement notice. I conclude that this amounts to unreasonable behaviour, the result of which caused the Council to incur wasted expense in having to resist the appeal in accordance with the set timetable. An award of costs will therefore be made to run from 16 April 2024, which is the date the agent was informed that the appeal could not be switched to a different enforcement notice.

Formal decision

4. For the reasons given above, a partial award of costs against the appellant, on the grounds of "unreasonable" behaviour resulting in "wasted" expense is justified in the particular circumstances.

COSTS ORDER

5. Accordingly, in exercise of my powers under section 250(5) of the Local Government Act 1972, sections 174 and 322 of the Town and Country Planning Act 1990 and all other powers enabling me in that behalf, **HEREBY ORDER** that Mrs Jayshree Pattni shall pay to the London Borough of Brent their costs of the appeal proceedings, limited to those costs incurred from 16 April 2024: such costs to be assessed in the Senior Courts Costs Office if not agreed.
6. The Council are now invited to submit details of those costs to Mrs Sukhneel Kaur Goel with a view to reaching an agreement on the amount. A copy of this letter has been sent to her.

K McEntee