



Costs Decision

Site visit made on 28 October 2024

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 December 2024

Costs application in relation to Appeal Ref: APP/M5450/W/24/3342763 91 Stanmore Hill, Stanmore, Harrow HA7 3DZ

- 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 Mr Mohsin Khan 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 change of use from retail (Class E) to café/restaurant (Class E) with single storey rear extension & extraction flue. Following demolition of 5 No. of storage units and conservatory.
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Decision

1. The application for an award of costs 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. The applicant contends that the Council acted unreasonably in its assessment of their application and states their claim relates to sub-consultant fees for reports to support their planning application.
4. From the evidence before me, a Heritage Statement which included a design and access statement; and specific extract details and a maintenance schedule with regard to the extract system, were submitted in support of the planning application. The Council contend that given the site-specific location of No 91, these were requirements to undertake its assessment. Based on the evidence I consider this to be reasonable.
5. On the basis that the applicant did not submit a site-specific noise report in support of the appeal to address the Council's concerns, and he succinctly set out his case, I have no evidence to demonstrate that any unnecessary or wasted expense has occurred.
6. Whilst the period between the submission, validation and subsequent determination of the planning application was no doubt frustrating, the Council was in communication with the appellant. Having regard to my decision, I have no evidence to suggest that the Council prevented or delayed development which should clearly be permitted. Having had the application refused, the applicant exercised his right of appeal.
7. As the Council did not act unreasonably, it has not caused the applicant to incur unnecessary or wasted expense in the appeal process. I therefore find

that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. The application for costs is refused.

L Clark

INSPECTOR