



Costs Decision

Site visit made on 16 July 2025

by **A Hunter LLB (Hons) PG Dip MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 August 2025

Costs application in relation to Appeal Ref: APP/M5450/W/25/3361833

114 College Road, Harrow Weald, Harrow HA3 6EB

- 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 P Parekh of Agelink Care Ltd for a full award of costs against the Council of the London Borough of Harrow.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for the change of use of the building from residential dwelling C3 to residential institution C2, specifically designed to serve adults with learning disabilities. Conversion of garage to habitable space and associated internal changes.
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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 seeks a full award of costs because of the time the Council took to process their planning application (said to have been validated on 1st August 2024 and under consideration for approximately 7 months before the appeal for non-determination was made), which they say was an unjustified delay without explanation. In addition, they seek costs as they say the Council has not substantiated one of its suggested reasons for refusal, and because of what they say was a prolonged and costly pre-application process. The applicant has said that the delays have cost substantial amounts in terms of professional fees, administrative expenses, and lost time. The Council has contested the costs application and sought to defend its behaviour.
4. I do not have any precise details of the pre-application enquiry, or the advice provided. However, the matter of pre-application advice, whatever time it took, and what it cost are matters between the parties. Whilst I don't doubt that the applicant entered it in good faith to try and resolve any potential issues, such advice is not a binding decision of the Council. Whether the applicant followed the advice of the Council or not, it is regrettable that the engagement between the parties did not resolve the issues at an early stage, particularly relating to the need for the proposed accommodation. The costs and time resulting from the pre-application process cannot in this case be recovered through the applicant's costs claim.

5. In my decision I have allowed the appeal, in doing so I found that there was a need for the proposed accommodation and that there would be no harmful effects on the living conditions of neighbouring occupiers. Although, I took a different view to the Council, the justification submitted by the Council regarding both suggested reasons for refusal, meant the two main issues were arguable and it had adequately substantiated its suggested reasons. Consequently, I am content that there has been no unreasonable behaviour in this regard.
6. It is also noted that the Council say it required a response from its Adult Social Services consultee, before it could decide the application, hence why it delayed its decision. Comments from Adult and Social Services were received on 23 January 2025, they were not particularly helpful insofar as they did not explicitly set out the need for the proposed accommodation, and they offered little extra information, beyond that contained within the existing development plan and emerging plan. It is clear from the correspondence that there was considerable dialogue during the Council's consideration of the application, mostly led by the applicant, and whether they agreed with the Council, the reasons for the Council's delay would have been known by the applicant. Nevertheless, the significant amount of time the Council took to consider the application without making a decision is unjustified and is unreasonable behaviour.
7. The Council said that they were not convinced there was a need for a care home for Asian women only, as set out within the applicant's supporting document, which is said to have been submitted during the course of the application. The Council requested an Equality Impact Assessment on 3 March 2025, which, notwithstanding the time taken to make this request, I consider was reasonable due to the specific intention that the proposed accommodation be restricted to Asian women only. The applicant replied by email on 4 March 2025, saying that the proposed accommodation would be available for all persons. Subsequently, the appeal for non-determination was made on 6 March 2025, which did not afford the Council reasonable time to make a decision after receipt of confirmation that the proposed development would be available for all adults. Therefore, ultimately, the Council were not able to positively determine the application before the appeal for non-determination was made, and the appeal could not reasonably have been avoided in this case.
8. Although I find that the Council has behaved reasonably in respect of being able to substantiate its suggested reasons for refusal, and that costs from the pre-application process cannot be claimed in this case, the Council has behaved unreasonably in terms of the delay with its processing of the application. However, in light of the late change to allow the proposed development to cater for all adults, the appeal could not ultimately have been avoided in this case.

Conclusion

9. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

A Hunter

INSPECTOR