



Costs Decision

Site visit made on 2 September 2025

by R Curnow MA(TCP), BSC(Hons), CMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2025

Costs application in relation to Appeal Ref: APP/M5450/X/24/3354935

28 Harley Road, Harrow HA1 4XG

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr R Khanna for a full award of costs against the Council of the London Borough of Harrow.
 - The appeal was against the refusal of the Council for a certificate of lawful proposed use or development for New vehicular access and driveway parking area.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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 application for a full award of costs is made by Mr R Khanna against the Council of the London Borough of Harrow. He cites unreasonable behaviour that has led to unnecessary and wasted expense.
4. His view is that the Council incorrectly interpreted the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended ('GPDO') when assessing his application for a certificate of proposed lawful development.
5. In response, the Council set out that it is within its jurisdiction to refuse an application and that it is not unreasonable to follow this course. Furthermore, it says that, even if its decision was not upheld at appeal, this would not justify an award of costs.
6. The Council's position is, to a degree, correct; it undoubtedly has the power to refuse applications, and an award of costs would not necessarily be justified were they to lose a subsequent appeal. However, the questions before me are: did the Council act unreasonably in its determination of the application?; and did this lead to unnecessary and/or wasted expense?
7. The assessment of whether the proposed development would be lawful was set out in a brief Officer report that looked at the terms of Schedule 2, Part 1, Class F of the GPDO. This concluded that, by reason of its area being in excess of 5 square metres, the hardstanding would not be permitted development. No other reasoning for the refusal is given.

8. However, the conditions attached to Class F go a step further than a simple assessment of the area of a proposed hardstanding. Where it would be over 5 square metres, Condition F.2(b) sets out that a hardstanding could still be permitted development subject to either being made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.
9. Despite Condition F.2(b) being quoted in the report, no attempt to address its terms was made. It should have been. The Appellant's 'Location Plan and Site Plan', drawing reference HR PA 01 Rev A, was annotated with the legend "The entire site frontage is to be fully hard surfaced with permeable paving. The Government provides guidance on the interpretation of the terms of Class F in its 'Permitted development rights for householders - Technical Guidance', September 2019. In respect of Class F, it refers readers to another document, 'Guidance on the permeable surfacing of front gardens' September 2008, produced jointly by the Government and the Environment Agency.
10. The September 2008 Guidance sets out that the words permeable and porous are interchangeable. A proper assessment of the application, using the two Guidance documents to assist, would have shown that the proposal clearly accorded with the terms of Class F. Thus, it was lawful on the date that the application was made.
11. Not carrying out the full and proper assessment was unreasonable behaviour that led to the applicant having to incur unnecessary expense through taking the matter to appeal. Thus, following the approach in the Planning Practice Guidance, a full award of costs is justified.

Costs Order

12. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the Council of the London Borough of Harrow shall pay to Mr R Khanna, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.

The applicant is now invited to submit to the Council of the London Borough of Harrow, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

R Curnow

INSPECTOR