
Costs Decision

Site visit made on 8 July 2025

by **N Unwin BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 October 2025

Costs application in relation to Appeal Ref: APP/M5450/W/25/3363319

41 Moat Drive, Harrow HA1 4RY

- 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 Mrs Geetanjali Gujar 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 the development.
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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. Costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour in the context of an application for an award of costs may be either procedural relating to the process, or substantive relating to the issues arising from the merits of the appeal.
4. This application is made on both procedural and substantive grounds. The applicant's cost claim states that the Council acted unreasonably by making inconsistent and unsubstantiated decisions, failing to engage proactively, failing to consider conditions to address concerns as well as procedural unfairness and delay.
5. The Council state that there is a concern that the bay window would hinder the ability to fully accommodate a family sized car without overhanging on the highway within their appeal statement. They do not raise this matter within the delegated report or the decision notice. The Council acknowledge that the concern regarding the substandard parking space proposed should have been discussed in the Officer's Report at application stage. I see no reason why the Council did not raise this matter prior to the submission of the appeal and thus constitutes unreasonable behaviour. This has led to unnecessary and wasted expense for the applicant in having had to advance a defence to protect their position with regard to this matter.
6. The Council's delegated report states that the development would be harmful to the character and appearance of the street scene and raises concerns regarding the loss of soft landscaping. Nevertheless, the decision notice did not include these

within the reasons for refusal, nor did it include reference to drainage. As such, these matters have had no bearing on the appeals process. Whilst the lack of communication with regards to gross internal floor area is frustrating, the submission of the amended drawings during the application process would not have prevented the appeal given the Council's other concerns.

7. Whilst the Council's delegated report does not specifically refer to the width of the pedestrian refuge, it does raise the proposed access's proximity to the existing vehicular crossover. It is therefore reasonable to infer that this reduction in distance would reduce the width of the pedestrian refuge and therefore affect pedestrian safety. Whilst there is no specific relevant guidance on the width of pedestrian refuges, the Council assessed the development against more broad policy relating to highway safety. I therefore do not consider the Council's case vague in this regard.
8. My attention has been drawn to a previous appeal, however the context is substantially different than the appeal before me, namely the adjacent pedestrian crossing. The Council refer to a 1.5 metre pedestrian refuge within their appeal statement. The appellant refers to the pedestrian refuge as being 1.5m (outer) and 2.115m (inner) within their appeal statement. As such, the council's reference to a 1.5 metre pedestrian refuge is not considered unreasonable.
9. The applicant contends that the Secure by Design Officer did not object to the proposed bin storage. Nevertheless, the Council is entitled to take an alternative view from consultees. The applicant further contends that this was a new issue and not raised within the delegated report. However, the delegated report specifically states that the proposed bin store to the front forecourt of the site behind the existing parking space could be acceptable in principle, but it does not accommodate all the bins required. As such, the applicant was aware of this prior to the submission of the appeal.
10. The applicant contends the Council failed to engage constructively and ignored opportunities to clarify or address concerns. Whilst this is unfortunate, the duty to engage constructively set out in the National Planning Policy Framework (the Framework) does not oblige Councils to engage in discussions during the assessment of planning applications.
11. I note the delay in validation of the application, a change in planning officers, and a refusal email sent the day before the determination deadline. However, the application was determined within the determination deadline as quickly as possible. Further, whilst unfortunate, staff turnover is an inevitability and cannot be considered unreasonable behaviour.

Conclusion

12. The need to deal with the issue set out above relating to the depth of the proposed parking space means that I find unreasonable behaviour by the Council, resulting in unnecessary and wasted expense, as described the Planning Practice Guidance, has been demonstrated and that a partial award of costs is justified.

Costs Order

13. 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 Council of the London Borough of Harrow shall pay to applicant the costs of the appeal proceedings described in the heading of this decision, limited to those costs incurred relating specifically to the matter of the depth of the proposed parking space.

14. The applicant is now invited to submit to the Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

N Unwin

INSPECTOR