
Costs Decision

Site visit made on 9 January 2026

by **S Poole BA(Hons) DipArch MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 January 2026

Costs application in relation to Appeal Ref: APP/M5450/W/25/3375292 147 Eastcote Lane, Harrow HA2 8RR

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Qasim Gulamhusein, Marlpark 71 HA4 Limited 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 front, side, rear and loft extension of the house at 147 Eastcote Lane, conversion to form 7 self contained flats”*.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Planning Practice Guidance 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 Guidance provides a non-exhaustive list of examples of types of behaviour that may give rise to a substantive award of costs against a local planning authority. These include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and other material considerations; failure to produce evidence to substantiate each reason for refusal; providing vague, generalised or inaccurate assertions about a proposal's impact; acting contrary to, or not following, well established case law; not determining similar cases in a consistent manner; and failing to grant a further planning permission for a scheme that is the subject of an extant or recently expired permission where there has been no material change in circumstances.
4. Many of the matters raised by the appellant stem from the information submitted with the outline planning application. No distinction was made between drawings submitted for determination and drawings submitted for illustrative purposes only. A drawing cannot be a bit of both. As explained under the Procedural Matters section of the Appeal Decision in such circumstances the decision maker must consider the totality of what is shown on submitted drawings.
5. I find no unreasonable behaviour on the part of the Council in respect of the appellant's various arguments in this respect. To a large degree the unnecessary and wasted expense that has occurred in the appeal process has been a direct consequence of the form in which the outline planning application was put forward.

6. In respect of Biodiversity Net Gain (BNG) and Parking Stress the legislative and policy emphasis is on the applicant to provide information to support their position on such matters. There is no requirement for the Council to present evidence that BNG requirements cannot be met or there would be no harm due to parking stress. Both matters require consideration at the application stage and cannot be addressed by planning conditions or via a legal agreement.
7. Similarly, there is no requirement for the Council to produce technical assessments to support reasons for refusal. Judgement is required and where this has been applied it has been applied reasonably. I find that the Council's reasoning was adequately substantiated and reasonable given the form in which the proposal was presented at the application stage.
8. The appellant alleges the Council failed to engage with an "identical fallback". There are numerous references to the planning permission granted in May 2025 (ref: PL/0561/25) in the delegated report. The fact that this was not subject to BNG does not mean that BNG legislation can be circumvented in respect of the appeal proposal. As there is no information before me regarding the substance of earlier appeal proposals, the alleged conflicts between the Council's determination of the subject application and my colleagues' comments in respect of earlier appeals is not clear.
9. I have found the proposal to be unacceptable in a number of respects and contrary therefore to development plan policies. It follows therefore that I do not concur with the appellant's view that the Council has prevented or delayed development which should have clearly been permitted.
10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

S Poole

INSPECTOR