



Costs Decision

Site visit made on 26 February 2026

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2026

Costs application in relation to Appeal Ref: APP/M5450/W/25/3375532

Bredon, 2 Oak Tree Close, Stanmore, Harrow HA7 2PX

- 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 Vinod Khimji for a partial or 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 to vary Condition No 2 of approval ref PL/0615/25 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans and documents.
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Decision

1. The partial award of costs application 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 Applicant submits that the Council has acted unreasonably by failing to determine the application to vary the approved plans (Condition No 2) within the required timescale and misinterpreting the minor scale of the plant room and its potential to generate noise. These factors, amongst other considerations they raise regarding the Council's service, has resulted in the Appellant pursuing an appeal against non-determination and incurring unnecessary and wasted expense as a result.
4. As the Council failed to determine the proposal within the statutory timeframe and the Applicant proceeded to appeal under the non-determination process, the Council responded to this appeal by way of a statement of case and concluded that had they determined the s73 application, they would have refused the proposal on two grounds. Ground number one they cite relates to the effect of the dormers on the character and appearance of the local area, and ground number two they cite relates to the impact of the plant room on the living conditions of local residents by way of noise and disturbance.
5. From the outset the Council defends their position. They advise on using their pre-application service for applicants to engage in order to ensure a smoother application transition to a positive outcome. The Applicant did not engage in this service and proceeded to submit a formal s73 application.

6. Once the public consultation period had expired, the Council were of the view that they would not support the amendments to the original scheme as submitted through the s73 application. This was due to the two reasons I have been made aware of previously. This was conveyed to the Applicant at this time and they were given the opportunity to withdraw the application or it could be refused by the Council. I understand the Applicant submitted amendments to overcome Council concerns. The Council had already advised in their validation letter to the Applicant that they will not accept amendments. Whilst this may be frustrating to the Applicant, as this is Council policy, it is not within my scope to comment or disagree with their adopted policy/process.
7. The Appellant chose not to wait for the Council to determine the proposal and proceeded to appeal against non-determination to the Planning Inspectorate, as is within their right to do so.
8. The Applicant's original plans submitted with the s73 application have been considered by myself. I agree with the Council in their findings that the dormers would be harmful to the character of the host dwelling and to the wider character and appearance of the local area. Therefore, had they determined the application by refusing it under their cited ground number one, I would be satisfied they had come to a justified conclusion on the matter.
9. Turning to the Council's cited reason for refusal number two, I find that the inclusion of a plant room building as an addition to the original plans as illustrated would be a minor material amendment to the originally approved scheme and could be considered within the scope of a s73 application. As explained in my Decision Notice, planning condition(s) could be applied to the permission that would meet the requirements of paragraph 57 of the National Planning Policy Framework by safeguarding the living conditions of local residents and the character and appearance of the local area.
10. Whilst I disagree with the Council's findings and their assessment of the Finney principles, it would not have negated an appeal situation for the Applicant as they would have refused the proposal given its impact on character and appearance. Having said that, the Applicant has spent time and financial resources defending the Council's stance regarding their findings for their cited ground number two reason for refusal. Therefore, on this basis, a partial award of costs is awarded to the Applicant only in so far as the time spent defending this part of their appeal.

Other Matters

11. I read that the Council admit to an administrative error when they wrongly validated the application instead of a S73 application. The Council sought to remedy this as expediently as possible. Whilst this is unfortunate, issues like this are not within my control to comment on and complaints should be raised by the Applicant to the Council directly.

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 Vinod Khimji, the costs of the appeal proceedings described in the heading of this decision limited to those costs

incurred in the process of defending the Councils ground cited as reason for refusal No 2; such costs to be assessed in the Senior Courts Costs Office if not agreed.

13. 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.

Conclusion

14. For the reasons given above, unreasonable behaviour by way of the Council resulting in unnecessary or wasted expense for the Applicant has occurred and a partial award of costs is therefore warranted.

Alison Scott

INSPECTOR