



Costs Decisions

Site visit made on 22 September 2026

by **M Ollerenshaw BSc(Hons) MTPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8th October 2026

Costs application A in relation to Appeals Ref: APP/M5450/C/25/3362349 and APP/M5450/C/25/3362350

Land at 223 Burnt Oak Broadway, Edgware, HA8 5EG

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Tushar Unalkat and Mr Jay Unalkat for a full award of costs against the Council of the London Borough of Harrow.
 - The appeals were against an enforcement notice alleging without planning permission, the material change of use of the land from of a single-family dwellinghouse to three residential units including the construction of an outbuilding used to accommodate the third residential unit.
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Costs application B in relation to Appeals Ref: APP/M5450/C/25/3362349 and APP/M5450/C/25/3362350

Land at 223 Burnt Oak Broadway, Edgware, HA8 5EG

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Council of the London Borough of Harrow for a full award of costs against Mr Tushar Unalkat and Mr Jay Unalkat.
 - The appeals were against an enforcement notice alleging without planning permission, the material change of use of the land from a single-family dwellinghouse to three residential units including the construction of an outbuilding used to accommodate the third residential unit.
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Decisions

Application A

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

Application B

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

Reasons

3. 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, in either a procedural or substantive way, and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

Application A

4. The applicants contend that the Council acted unreasonably by asserting that the use of the property as flats amounted to a breach of planning control and by pressuring them to cease that use and remove works which they consider to have been lawful and undertaken in reliance on planning permissions. As a result of the

- Council's actions, they claim to have incurred unnecessary expense. The application refers to costs associated with planning and architectural services, planning application fees, construction works, and preparation of the appeal. It also refers to alleged losses of rental income, compliance works, time spent pursuing the appeal, and personal detriment said to have resulted from the Council's actions.
5. I agree that the issuing of the Certificate of Compliance did not render the appeal redundant, as the appeal still required determination on its merits having regard to the circumstances at the time the notice was issued. However, that does not amount to unreasonable behaviour by the Council. Nor do I find it unreasonable that the Council suggested withdrawal of the appeal once it was satisfied that the breach had been remedied. The applicants were under no obligation to withdraw the appeal and chose not to do so. The applicants also refer to the Council's indication that it may seek an award of costs should the appeal continue. However, I do not find that this amounts to unreasonable behaviour as the planning appeal process makes provision for costs applications, and it was open to the Council to indicate its intention to pursue such an application.
 6. Although the applicants do not agree with the Council's decision to serve the notice, that does not mean that the Council acted unreasonably in doing so. The Council's delegated report and statement of case explain the factors that were considered in reaching the decision to pursue enforcement action, and the Council was entitled to reach its own conclusion on the evidence before it. Whilst I have reached a different conclusion and found, on the balance of probabilities, that the alleged breach of planning control has not occurred, this does not in itself amount to unreasonable behaviour by the Council.
 7. I am not persuaded that the appeal could necessarily have been avoided had the Council taken further steps to seek an informal resolution. The evidence before me indicates that the Council engaged with the applicants prior to the issue of the notice and provided advice regarding the steps that could be taken to address its concerns. In these circumstances, I find no convincing evidence that the Council failed to seek an informal resolution before proceeding with formal enforcement action.
 8. The applicants have also raised matters relating to Freedom of Information requests, data protection issues and the Council's alleged failure to notify third parties that the notice had been complied with. However, these matters do not establish that the Council acted unreasonably in relation to the appeal proceedings or that they caused the applicants to incur unnecessary or wasted expense.
 9. Whilst the applicants have identified a range of costs and losses which they say have arisen from the enforcement action, they have not substantiated that those costs resulted from unreasonable behaviour by the Council in relation to the appeal proceedings. Accordingly, I find that in Costs Application A unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Application B

10. Given the Certificate of Compliance confirming that the enforcement notice has been complied with, the Council submits that the appeal was without merit and unnecessary. The Council says that it is not under a statutory duty to issue notifications to third parties that the notice has been complied with, and data

protection guidance does not impose such obligations in the context of a concluded planning enforcement matter. Whilst the Council states that it does not question the applicants' right of appeal, it considers that their continued pursuit of the appeal after compliance amounts to unreasonable behaviour.

11. I do not agree that the appeal became unnecessary once the Certificate of Compliance had been issued. The Certificate confirms the Council's view that the steps required by the notice had been carried out, but it does not resolve the substantive grounds of appeal before me including whether the matters alleged in the notice had occurred at the time the notice was issued. I have found on the balance of probabilities that the alleged breach of planning control has not occurred. In those circumstances, I cannot conclude that the applicants acted unreasonably in continuing to pursue the appeal notwithstanding the subsequent issuing of the Certificate of Compliance.
12. The Council also refers to matters concerning notification of third parties, data protection issues, and attempts to use the appeal process to obtain findings which would vindicate the applicants' position or address perceived damage to their reputation. However, the fact that the applicants advanced arguments which fell outside the scope of the appeals does not, in itself, demonstrate unreasonable behaviour warranting an award of costs.
13. Accordingly, I find that in relation to Costs Application B unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

M Ollerenshaw

INSPECTOR