

Costs Decision

Site visit made on 12 January 2017

by J Dowling BA(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 January 2017

Costs application in relation to Appeal Ref: APP/R5510/D/16/3163750 8 Windmill Hill, Ruislip, Middlesex HA4 8QE

- 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 Mr Alan Bonnell for a full award of costs against the Council of the London Borough of Hillingdon.
 - The appeal was against the refusal of planning permission for loft conversion with two side dormers (one on each side) and a rear dormer.
-

Decision

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

Reasons

2. National Planning Practice Guidance (the PPG) advises that costs may be awarded against a party who has acted unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeals process. Claims can be procedural –relating to process; or substantive – relating to the issues arising from the merits of the appeal.
 3. The PPG states that costs may be awarded in circumstances including preventing or delaying development which clearly should be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
 4. The Planning Committee decided to refuse the application contrary to the advice of their professional officers who produced a written report analysing the effects of the proposal. Whilst a planning committee is not bound to accept the recommendations of their officers, if their technical advice is not followed, then reasonable planning grounds for taking a contrary decision need to be provided supported by relevant evidence.
 5. Whilst the Councils decision notice makes reference to a number of development plan policies no appeal statement was submitted by the Council providing further detail as to why the Council considered that the proposal was contrary to these policies. A copy of the relevant committee minutes was provided and whilst these were of some assistance in clarifying the Council's position, they were general in nature and did not amount to objective analysis of the proposals impact. In failing to produce evidence therefore, the Council has behaved unreasonably.
 6. As a result I consider that the Council has caused the appellant to incur unnecessary or wasted expense in pursuing this appeal. I therefore find that
-

unreasonable behaviour resulting in unnecessary expenses, as described in the PPG, has been demonstrated and that a full award of costs is justified.

Costs Order

7. 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 Hillingdon shall pay Mr Alan Bonnell, the cost of the appeal proceedings described in the heading of this decision.
8. The applicant is now invited to submit to the Council of the London Borough of Hillingdon, to whom a copy of this decision has been sent, details of those costs a view to reaching agreement as to the amount. In the event that the parties cannot agree on an amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Jo Dowling

INSPECTOR