

Costs Decision

Site visit made on 24 January 2017

by David Walker MA MRTPI

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

Decision date: 20th February 2017

**Costs application in relation to Appeal Ref: APP/R5510/W/16/3160478
Land to rear of Robins Hearne and Littlewood, Ducks Hill Road,
Northwood, Middx HA6 2SQ**

- 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 Daphne Newton 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 4 x two storey, 4-bed detached dwellings with associated parking and amenity space (outline planning application for access and layout with some matters reserved).
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only 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 Council's Planning Committee is not bound to accept the advice of its professional officers. The minutes of the meeting of 21 June 2016 demonstrate that the committee members were in the full knowledge that they were considering an outline application when reaching an alternative view.
 4. It is evident from the minutes that the members did not share the officers' views of the effects of the proposal on the character and appearance of the area. Such an assessment inevitably involves a planning judgement and it is clear that members were specifically concerned about the relationship of plot Nos 3 and 4 with existing development. It will be apparent from my decision that I agree with the members concerns.
 5. While I have some sympathy with the time taken to reach a decision on the application there is nothing within the PPG that states that such behaviour amounts to unreasonable behaviour. Additionally, I have nothing before me to indicate that the delegation to officers of the drafting of the reasons for refusal also amounts to unreasonable behaviour.
 6. For the reasons given above I do not find that the Council has behaved unreasonably and accordingly no award of costs is justified.
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David Walker

INSPECTOR