
Costs Decision

Site visit made on 1st October 2019

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2019

Costs application in relation to Appeal Ref: APP/R5510/D/19/3233367 32, Dell Road, West Drayton, Middlesex UB7 9HN

- 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 & Mrs Roy Brett 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 single-storey side/rear extension.
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Decision

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

Reasons

2. Irrespective of the outcome of an appeal, Paragraph 030 of the National Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour can relate to procedural matters (ie the appeal process) or substantive matters (ie issues related to the planning merits of the appeal).
3. The appellant considers that the Council failed to follow guidance in the National Planning Policy Framework (the Framework), ie that it should seek to grant planning permission where possible by working proactively with the applicant, and guidance of the Planning Inspectorate, ie that it should have constructive discussions with the applicant and, if it has any concerns, give the applicant the opportunity to amend the application before it is decided.
4. The appellant also suggests that the reason for refusal of planning permission was unreasonable and that, had the Council engaged in constructive discussions with the applicant and proactively sought the views of the occupiers of 32 Dell Road they would have approved the application.
5. For the reasons outlined the appellant concludes that the time spent preparing and submitting the appeal has resulted in unnecessary and wasted expense.
6. The Council is of the opinion that, having fully appraised the application, an Officer reached a professional judgement, concluding that the proposal would result in harm to the occupiers of neighbouring properties and as such it would not accord with development plan policies or other considerations. The Council note the criticism of the appellant regarding engagement between the parties during the application process. However, it asserts that the objections of the

Council could not be overcome and therefore the application was refused. The appellant disagrees with this last point, suggesting that, on the contrary, he was advised by an Officer that if modifications were made the proposal would be acceptable.

7. I do not have the details of communications that may or may not have occurred between the Council and the appellant during the application process. In responding to the Council's comments on the appellant's costs application, the appellant suggests that the Council did engage in discussion and offered the appellant the opportunity to amend the scheme. If this is the case, I can only assume the appellant made the decision not to amend the proposal.
8. Based on the evidence before me, it is my view that the Council reached a judgement regarding the proposal, which it is entitled to do, considering it to harm the living conditions of existing occupiers and as such concluded that the proposal did not accord with relevant development plan policies. If the Council considered that the harm it identified could not be overcome, then it could also have concluded that engaging in discussions would not alter matters. The appellant disagreed with the Council's judgement and considered planning permission should have been granted for the proposal as submitted, an opinion he is entitled to hold.
9. Whilst my conclusion on the substantive issue differs to that of the Council, in the circumstances of the case there is no evidence that the Council acted unreasonably in terms of its processing of the application. And, having regard to all the evidence, I conclude that the behaviour of the Council was not unreasonable to the extent that it resulted in unnecessary or wasted expense in the appeal process, as described in the PPG.

J Williamson
INSPECTOR