



Costs Decision

Site visit made on 18 January 2021

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 8 February 2021

Costs application in relation to Appeal Ref: APP/R5510/W/20/3259526 54a - 64a The Broadway, Joel Street, Northwood HA6 1PA

- 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 Haven Properties Ltd for a full award of costs against the Council of the London Borough of Hillingdon.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for a two storey rear extension and conversion of roof space to habitable use to include 3 side dormers and conversion from 6 x 3 bed flats to 4 x 2 bed and 8 x 1 bed flats and 3 studio flats.
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Decision

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

Reasons

2. The national Planning Practice Guidance (PPG) states that parties will normally be expected to meet their own costs in relation to appeals and 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. With regard to the Council's failure to issue a timely decision, the PPG indicates that, if an appeal in such cases is allowed, the local planning authority may be at risk of an award of costs, if it is concluded that there were no substantive reasons to justify delaying the determination and better communication with the applicant would have enabled the appeal to be avoided altogether. Clearly, this only applies if the appeal is allowed and that has not been the case with this appeal. Therefore, the delay has not prevented development that should have otherwise gone ahead. In addition, it does not seem to me that the scheme was one which was inevitably heading for ultimate approval by the Council.
4. In relation to the previous appeal which was approved (Ref: APP/R5510/W/17/3172079) dated 10 July 2017, this has now lapsed. Since it was approved the Council has adopted its Local Plan Part 2 Development Management Policies (DMP) and the Council has also adopted the Air Quality Action Plan. These are material considerations which are due some considerable weight in determining this appeal. Whilst I can see that air quality was not raised previously as an issue, the above matters now mean that it has legitimately been raised and I have concluded that the proposal raises conflict with relevant policies.

5. With regard to affordable housing the Council's most recent Policy DMH 7 includes a reference to using a gross figure in certain circumstances. In my view this new policy which was not in existence when the previous appeal was determined, warrants a fresh consideration of this matter. Although my conclusion is that it would be inappropriate to require a contribution to affordable housing for this scheme, for the reasons stated in my main decision, I can understand that the Council may reasonably have come to a different conclusion, based on the requirements of this policy. As a result, I do not think that they acted unreasonably in this respect.
6. In the light of my conclusions, there has been no unreasonable behaviour by the Council. Therefore, the conditions necessary for an award of costs have not been satisfied and the claim for costs is refused.

S T Wood

INSPECTOR