



Costs Decision

Site visit made on 14 January 2021

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th March 2021

Costs application in relation to Appeal Ref: APP/A5270/W/20/3258079 Brenvilla, Perivale Lane, Perivale, UB6 8TL

- 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 Richard Sanders (Turlin Holdings Ltd) for a full award of costs against the Council of the London Borough of Ealing.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for the construction of 3 self-contained residential units (two storey with habitable loft space) and the provision of associated parking spaces, cycle and refuse storage, amenity spaces and landscaping, following the demolition of the existing building.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may 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. Under the PPG, costs may relate to events before the appeal was brought but it also further indicates that costs cannot be claimed for the period during the determination of the application. For clarification, the PPG¹ states costs can only be awarded in relation to unnecessary or wasted expense at the appeal but that behaviour and the actions at the time of the planning application can be taken into account in the Inspector's consideration of whether or not costs should be awarded (during the appeal process).
4. Therefore, despite the protracted dialogue between main parties, it is the behaviour of the Council at the appeal that is determinative. In this instance, it has submitted a Statement of Case which has substantiated its reason for refusal. Of relevance, it has detailed that the façade changes have resulted in a lengthy, unrelieved mass on the front elevation and that the proposal would result in three narrow town houses that appear cramped and out of character. Inevitably character and appearance matters involve some subjectivity and I have not agreed with all their objections. However, given that the appeal has been dismissed for the reasons set out, the Council has not prevented or

¹ Section Appeals paragraph 033 Reference ID: 16-033-20140306

delayed development which should clearly be permitted, having regard to its development plan, national policy and any other material considerations.

5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Jonathon Parsons

INSPECTOR