



Costs Decision

Site visit made on 1 July 2021

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2021

Costs application in relation to Appeal Ref: APP/R5510/D/21/3275100 88 Catlins Lane, Pinner, Middlesex HA5 2BX

- 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 Ishrit Ahmed 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 porch to front and rear.
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Decision

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

Reasons

2. The Planning Practice Guidance (the Guidance) 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. The application for costs should clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense. It also states that parties in appeals normally meet their own expenses
3. The appellant has applied for a full award of costs on the grounds that the Council behaved unreasonably by refusing the retrospective application that it had sought via its enforcement team in relation to the constructed front and rear porches, and that in doing so it relied upon repetitive and generic statements. The appellant's actions in supporting the appeal are set out in the application for an award of costs.
4. Whilst I can appreciate the efforts made by the appellant in seeking to support their application for planning permission, and also this appeal, the Council's officer report clearly sets out the reasoning for its decision as to why it considers that the development should not be approved, with reference to the surrounding context and development plan policies. That reasoning is then clearly and succinctly expressed in the refusal reason.
5. It is stated in the appellant's grounds of appeal that a retrospective application was invited by the Council, but I have no evidence to indicate to me what substantive advice may have been given. However, advice provided prior to the making of an application is given without prejudice and cannot pre-determine the outcome of a subsequent application, which must take account of all material factors.
6. Whilst I appreciate that the outcome of the application will have been a disappointment to the appellant, it was not unreasonable of the Council to

reach the conclusion that they did. For the reasons set out in my decision on the merits of the appeal scheme, I concur with the Council in respect of the front porch, whilst the absence of dispute in relation to the rear porch allows me the option to reach a split decision and allow that element of the appeal scheme.

7. I have no doubt that the efforts to which the appellant went incurred costs, in both monetary terms and in time. However, as I have concluded that the Council did not act unreasonably those costs have not arisen through unreasonable behaviour on the part of the Council. Unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated and the application for costs is refused.

Graeme Robbie

INSPECTOR