



Costs Decision

Site visit made on 21 July 2021

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 September 2021

Costs application in relation to Appeal Ref: APP/R5510/W/21/3269406 Seymour House, 30-38 Chester Road, Northwood, Middlesex HA6 1BQ

- 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 Salim Rhemtulla of Seymour House Residential Care Homes Limited 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 the erection of 29-bed residential care home (Use Class C2) on land at No. 30-32 Chester Road and the change of use of three existing rear bedrooms to storage and ancillary rooms to No. 34 Chester Road.
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Decision

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

Reasons

2. The National 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. PPG also provides examples of unreasonable behaviour by local planning authorities which include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations. It also refers to persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable.
4. The applicant considers that the previous planning and appeal decision¹ at the site should have been given weight and that permission should have been granted on this basis.
5. The scheme granted planning permission by the Council² had a narrower rear projection and was therefore materially different to the proposal before me. This appeal also included a mansard roof that altered how the dormer windows appear within the roofscape, so again is different to the one in the previous appeal. The width, depth and height of the rear wing projection is largely the same. Nonetheless, the previous Inspector did not explicitly indicate that element was acceptable.

¹ APP/R5510/W/19/3236950

² 13800/APP/2020/2272

6. The matter of the weight to give to considerations, such as previous decisions, rests with the decision maker. The Council were clearly aware of the previous appeal and the content of the decision notice, with it being referenced in their officer report.
7. I have found that the scheme would not result in harm to the character and appearance of the area and the appeal was allowed. Notwithstanding this, it is not unreasonable to have raised a matter that the previous Inspector did not specifically refer to as being acceptable.
8. As a result, it follows that I cannot agree that the Council has acted unreasonably in this case. As such, there can be no question that the appellant was put to unnecessary or wasted expense.

Conclusion

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

Stuart Willis

INSPECTOR