



Costs Decision

Site visit made on 19 August 2021

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2021.

Costs application in relation to Appeal Ref: APP/H5390/W/21/3266667 1A Halford Road, London SW6 1JS

- 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 Alec Cherry for a full award of costs against the Council of the London Borough of Hammersmith and Fulham.
 - The appeal was against the refusal of planning permission for the conversion of lower ground floor and upper ground floor level into 2 x one bedroom self-contained flats, without complying with a condition attached to planning permission Ref 2017/00422/FUL, dated 7 April 2017
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance 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. The appellant is seeking an award of costs on the basis that the Council has lost a number of appeals relating to the imposition of virtually identical disputed conditions concerning the preventing the occupiers of the appeal property from applying to the Council for a parking permit. The appellant claims that each appeal was allowed for exactly the same reasons and they should have been a material consideration in the determination of appeal application. The appellant identifies that the Planning Officer's report fails to consider these other appeal decisions and whether the disputed condition meet the relevant tests set out in the National Planning Policy Framework. Instead, the Planning Officer's report focuses on those policies relating to car free housing, parking and highway safety matters.
4. There has been no response from the Council to the appellant's application for an award of costs. Neither has the Council provided an Appeal Statement responding to the appellant's Grounds of Appeal, including providing a justification about why the disputed condition accords with the tests identified in the Framework and whether the other appeal decisions are capable of being differentiated from this appeal scheme.
5. In the absence of any explanation or response from the Council, and for the reasons identified in the Decision Letter, the imposition of the disputed condition was unreasonable and did not comply with the tests in the Framework. I therefore find that unreasonable behaviour resulting in

unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a full award of costs is justified.

Costs Order

6. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the Council of the London Borough of Hammersmith and Fulham shall pay to Mr Alec Cherry, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
7. The applicant is now invited to submit to the Council of the London Borough of Hammersmith and Fulham, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

D J Barnes

INSPECTOR