
Costs Decision

Site visit made on 8 September 2021

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 19th October 2021

Costs application in relation to Appeal Ref: APP/A5270/W/21/3269905 25 Mandeville Road, Northolt UB5 5HF

- 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 Lulzim Krasniqi of LULU Properties Limited for a full award of costs against the Council of the London Borough of Ealing.
 - The appeal was against the refusal of planning permission for construction of a 2 storey, part 3 storey, building to accommodate 4 self-contained flats (following
 - demolition of existing bungalow).
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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 where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The PPG states that examples of unreasonable behaviour by local planning authorities that risk an award of costs include delay in providing information or other failure to adhere to deadlines.
4. The reason for refusal set out in the decision notice is complete, precise, specific and relevant to the application. The Council's Statement also clearly states the policies of Development Management Development Plan Document Adopted December 2013 (DPD) that the proposal would be in conflict with, in the view of the Council.
5. As such, I consider that the Council has not failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision. The Applicant had to address those concerns and the evidence of third parties in any event.
6. Since the application was determined by the Council, The London Plan The Spatial Development Strategy For Greater London March 2021 (London Plan) was adopted. During the course of the appeal, the Council appear to have missed a number of deadlines for submitting evidence and submitted the adopted London Plan policies only after being requested a number of times.

While the Council's appeal statement did not address the adopted London Plan policies, even if it did, the Applicant would have been required to address those points in their final comments in any event.

7. Therefore, even if the Council's behaviour with regard to the timely submission of evidence was unreasonable and caused delays in the appeal process, there is little substantial evidence before me to indicate that this has resulted in wasted expense.

Conclusion

8. Consequently, unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

R Sabu

INSPECTOR