
Costs Decision

Site visit made on 3 August 2022

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 September 2022.

Costs application in relation to Appeal Ref: APP/R5510/D/22/3294276 9 Angus Drive, Ruislip HA4 0RZ

- 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 Nassair Kassam 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 “demolition of existing conservatory and outbuilding and erection of single storey rear extension”.
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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 submits that the Council reached the “erroneous view” that the appeal site consisted of three separate and independent dwellings. From the planning history of the site, it is clear that the extensions referred as 9a and 9b cannot be occupied as independent dwellings, that the extensions can only be ancillary to the main dwelling is specifically controlled by conditions placed on the respective planning permissions.
4. On the basis of the Officer’s report it is clear that the Council’s understanding of the nature of the accommodation on the site was fundamental to the reasoning in reaching a decision. It is also clear that the Council failed to correctly understand the context of the site.
5. I therefore find that the Council behaved unreasonably making inaccurate assertions about a proposal’s impact, which are unsupported by any objective analysis.

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 London Borough of Hillingdon shall pay to Mr Nassair Kassam, the costs of the appeal proceedings described in the heading of this decision.

7. The applicant is now invited to submit to the London Borough of Hillingdon, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Mark Brooker
INSPECTOR