



Costs Decision

Site visit made on 10 May 2023

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 June 2023

Costs application in relation to Appeal Ref: APP/R5510/W/22/3310199 379 Sipson Road, West Drayton UB7 0HU

- 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 Rickey Gill for a full award of costs against London Borough of Hillingdon.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for Division of the rear garden at 379 Sipson Road to create a new dwelling house.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) 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 PPG outlines that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing planning applications, or by unreasonably defending appeals. One example of such unreasonable behaviour is 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.
4. Although costs cannot be claimed for the period during the determination of the planning application, the Guidance confirms that costs applications may relate to events before the appeal. It goes on to say that although costs can only be awarded in relation to unnecessary or wasted expense at the appeal, behaviour and actions at the time of the planning application can be taken into account in the Inspector's consideration of whether or not costs should be awarded. The Guidance also states that all parties are expected to behave reasonably throughout the planning process.
5. The Applicant submits that the Council failed to issue a decision to the proposal within a timely manner, even when an extension of time was agreed between the parties.
6. The Council did not determine the application before the Applicant proceeded to appeal process. There appears to have been no correspondence or engagement with the Applicant regarding an explanation to this, or before me. This is not

entirely reasonable on the Council's part in the interest of best practice. However, despite the fact that the Council failed to determine the proposal within the required time limit, it has not resulted in unnecessary or wasted expense.

7. In addition, I have agreed with the Council in two of the three grounds they would have refused the scheme on. I do not consider that this would have avoided the appeal, and therefore it has not resulted in unnecessary or wasted expense.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Alison Scott

INSPECTOR