



Costs Decision

Site visit made on 3 May 2023

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 July 2023

Costs application in relation to Appeal Ref: APP/H5390/W/22/3307771 1a Cobbold Road, London W12 9LP

- 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 Paul Maguire for a full award of costs against London Borough of Hammersmith and Fulham.
 - 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 the change of use of the ground floor from commercial (Class E) into a single dwellinghouse (Class C3); erection of a two storey extension at first and second floor level; installation of new door and windows, and a new access gate to the front elevation.
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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 applicant has argued that the Council acted in an untimely and unresponsive manner, and also provided contradictory advice during the process. As part of their argument, they have cited various technical studies that were prepared in support of the application, on which they suggest they had very little feedback from the Council.
4. However, the Council has set out how it has engaged with the process, including twice providing pre-application advice and holding a discussion with the applicant to outline concerns on the first planning application which was subsequently withdrawn. The applicant does not appear to dispute that position. Furthermore, even if I were to agree that inconsistent advice had been given to the applicant, National Planning Practice Guidance clearly states that pre-application advice cannot pre-empt the democratic decision making process or a particular outcome, and so is not binding. It is also not unreasonable for the Council to require technical evidence and it is not required to have provided specific feedback when these documents were submitted.
5. Nevertheless, the Council did fail to determine this application within the statutory timescales. Planning Practice Guidance sets out that a failure to adhere to deadlines is an example of unreasonable behaviour. However, in this instance, the Council has set out that the application would have been refused had it been able to do so. As a result, an appeal could not have been avoided. I

therefore cannot conclude that the unreasonable behaviour has caused the applicant to incur unnecessary or wasted expense, and an award of costs is not justified.

C Butcher

INSPECTOR