



Costs Decision

Site visit made on 17 July 2023

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2023

Costs application in relation to Appeal Ref: APP/H5390/W/22/3304797 1A Ravenscourt Road, London W6 0UH

- 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 Ocarina Management Ltd for a full award of costs against the Council of the 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 demolition of the existing single storey office building, erection of a replacement part one and part two storey office building (Class E); alterations to the front boundary treatment and installation of new gates to the front boundary wall; associated car and cycle parking.

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 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 sets out that the LPA was unreasonable in its non-determination of the planning application. They assert that they made many attempts to contact them. The applicant consider that the issues have been addressed and if not then they could have been discussed further without having the expense and time of appealing and more time spent with a not operational site that is costing the applicant exponentially. They state that the LPA has failed to act proactively in the planning process laid out in the National Planning Policy Framework, thereby resulting in unnecessary costs and delay.
4. The Council has not responded to the costs application. I fully appreciate the frustration of the applicant in the lack of communication from the Council. Having said that, the Council's statement clearly sets out the reasons they consider the application should not be granted planning permission.
5. The site has been subject to many planning applications and appeals. I acknowledge that the scheme before me sought to address the latest appeal decision¹, but the Inspector in that case did not focus on the two-storey element. The application required an exercise of planning judgement and the associated appeal decision found favour with the applicant's case.
6. The Council has explained why permission would not have been granted had the application been determined within the relevant period. I am not convinced

¹ APP/H5390/W/21/3280587

that better communication with the applicant would have enabled the appeal to be avoided altogether. I do not consider, in this case, that the Council's failure to determine the application within the time limits amounts to unreasonable behaviour which has directly caused the appellant to incur unnecessary or wasted expense in the appeal process.

7. In the absence of unreasonable behaviour there are no grounds for an award of costs and a full or partial award is unjustified. For the reasons set out above, the applicant has not shown that the Council has behaved unreasonably and that no wasted or unnecessary expense has been incurred by the applicant in the appeal process. I conclude therefore, that the application for an award of costs should be refused.

L Wilson

INSPECTOR