



Costs Decision

Site visit made on 8 August 2023

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2023

Costs application in relation to Appeal Ref: APP/R5510/C/22/3300627 39 Sipson Road, West Drayton, Middlesex UB7 9DQ

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Danial Collison for a full award of costs against the Council of the London Borough of Hillingdon.
 - The appeal was against an enforcement notice alleging without planning permission the material change of use of a single family dwellinghouse into seven (7) separate self-contained flats.
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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 applicant's application for costs relies to a significant extent on matters concerning the Council's handling of its investigation. This includes, matters relating to the accuracy of the enforcement notice and the Council's failure to consult with their licensing department who issued an HMO license for occupation by six people occupying as six households.
4. The taking of enforcement action is discretionary. The PPG advises that, for enforcement action, local planning authorities must carry out adequate prior investigation and that they are at risk of an award of costs if it is concluded that an appeal could have been avoided by more diligent investigation.
5. Whilst I found the notice inaccurate and incapable of correction, this was not on the basis that the use is an HMO, which was the applicant's case. Moreover, whilst the notice referred to seven units where there are only six, as explained in my decision, this alone would have been capable of correction without causing injustice to the applicant.
6. As is evident from my decision, I found there to be six self-contained units and a communal kitchen, not six separate self-contained flats. However, it was not unreasonable for the Council to have made this case, based on the evidence before them, since this is a matter of planning judgement.

7. Moreover, if they had accurately identified the breach, I cannot be certain that they would not have pursued enforcement action and therefore that the appeal could have been avoided.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Felicity Thompson

INSPECTOR