



Costs Decision

Site visit made on 19 November 2024

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 21 February 2025

Costs application in relation to Appeal Ref: APP/R5510/W/24/3341154 Chandigrah, Summerhouse Lane, Hillingdon, Harefield UB9 6HS

- 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 Belle Varna Ltd 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 a development proposed that is described as 'Erection of 4 dwellings following the demolition of the existing equestrian storage buildings on land adjacent to Chandigrah'.
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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 also states that local planning authorities are at risk of an award of costs if they fail to produce evidence to substantiate each reason for refusal or if they rely on vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. This application for an award of costs relies to a substantial extent on the Council's assessment of the principle of development, namely whether the proposal accords with paragraph 154 g) of the National Planning Policy Framework.
5. Although the Council reached a different conclusion to the appeal decision, particularly in respect of previously developed land, Paragraph 154 g) also requires development to not cause substantial harm to the openness of the Green Belt. Matters relevant to openness in any particular case are a matter of planning judgement, not law and I am satisfied that the Council's submissions clearly explain its concerns in this respect and in coming to the view that there would be a significant loss of openness.
6. Whilst it appears, from the submissions before me, that Council Officers did not enter the site when carrying out the planning application site visit, filtered views of it are available from several vantage points along Summerhouse Lane. Photographs and diagrams were also provided in the submitted design and access statement. I therefore have no reason to conclude that access into the site was necessary to assess the scheme. Furthermore, given the clear divergence in the cases of the

main parties in respect of the principle of development, it is unlikely that this matter could have been resolved through discussions or minor amendments.

7. Accordingly, whilst the Council's communication might have been improved, and there appears to have been some confusion regarding replacement tree planting, the outcome is unlikely to have been altered. As the landscape and visual assessment is also referenced in the Council's suggested conditions, I am unable to find that the contents of this document were ignored. In light of all of the above, and on the balance of probability, it is unlikely that an appeal would have been avoided, which would have incurred the same levels of expense to the applicant.
8. As a result, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, an award of costs is not justified.

Mark Caine

INSPECTOR