



Costs Decision

Site visit made on 27 March 2025

by **M Cryan BA(Hons) DipTP MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2nd June 2025

Costs application in relation to Appeal Ref: APP/A5270/W/24/3355221

32A Northfield venue, West Ealing, London W13 9RL

- 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 Jeff Pope for a full award of costs against the Council of the London Borough of Ealing.
 - The appeal was against the refusal of planning permission for the retention of the existing shop, and the extension and conversion of residential accommodation into two flat units.
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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 (“the 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 considers that the Council did not comply with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, which states that “where planning permission is refused, the notice must state clearly and precisely [the local planning authority’s] full reasons for the refusal, specifying all policies and proposals in the development plan which are relevant to the decision”.
4. The decision notice issued by the Council contained two reasons for refusal. The applicant states that these had “been previously discussed [and] related to standards of accommodation and the design of the proposed rear dormer extension”. They went on to say that while there had been “some discussion of other considerations within the Officer Report [...] these have not been listed as reasons for refusal [and the Council] therefore failed to clearly and precisely state their full reasons for the refusal”.
5. It is not clear from the evidence before me the extent to which parts of the appeal scheme may have been discussed between the applicant and the Council, though it may be significant that the proposed development was amended while the Council was determining the planning application. There was a small inaccuracy in the revised description of the development which the Council used on the decision notice, but it is clear (as I have explained in paragraphs 4 and 5 of my main appeal decision) that it correctly assessed the proposal which was before it.
6. The two reasons for refusal put forward by the Council on the decision notice were, in my view, entirely clear and precise, and both specified the relevant development plan policies. It is not at all unusual, in my experience, for an officer report to

include discussion of a whole range of issues which may sometimes include matters on which a local planning authority is not entirely satisfied but which it considers would not amount to a justification for refusing planning permission. That the officer report in this case addressed a broad range of matters not all of which made it onto the decision notice is not therefore an indication that the Council acted unreasonably.

7. The explanation in the preceding paragraph is, in my view, sufficient on its own to justify my refusing this costs application. However, the PPG also advises that, where a local planning authority has refused a planning application for a proposal that is not in accordance with the development plan policy, and no material considerations including national policy indicate that planning permission should have been granted, there should generally be no grounds for an award of costs against the local planning authority for unreasonable refusal of an application¹. For reasons which are set out in my main appeal decision, I found that the proposed development was not in accordance with the development plan. There were no material considerations to indicate that planning permission should have been granted.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred, and an award of costs is not warranted.

M Cryan

Inspector

¹ Paragraph: 050 Reference ID: 16-050-20140306