



Costs Decision

Hearing held on 22 July 2025

Site visit made on 22 July 2025

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2025

Costs application in relation to Appeal Ref: APP/R5510/C/25/3363007

Land west Side of High Street, Harlington, known as Land at rear of 108-132 High Street, Harlington, Hayes UB3 5DW

- 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 Charles Loveridge Junior for a full award of costs against the Council of the London Borough of Hillingdon.
 - The appeal was against an enforcement notice alleging, in summary, the material change of use of land to the storage of vehicles.
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Decision

1. The application for an award of costs is approved in part, in the terms set out below.

The submissions for Mr Loveridge Junior

2. The costs application was made orally at the Hearing for both a full and partial award.
3. The Council did not carry out adequate investigation prior to issue of the Enforcement Notice ("the Notice"). They looked at aerial photographs and spoke to one or two residents, but there is no evidence of any of those discussions. Alleged harms about effects on amenity or community cohesion have not been substantiated – complaints were taken at face value, but there is not actual evidence to support them.
4. The Council did not attempt to engage with the owners/operators of the site, did not write letters or serve planning contravention notices. Such action could have provoked discussion and led to an application for planning permission (temporary or otherwise). Mr Campbell, representing the Council, complained of a lack of time to provide evidence, but that was entirely due to the Council's decision to issue the Notice rather than have discussions.
5. When serving the Notice, the Council failed to consider whether the site might be grey belt land and associated considerations as to whether that might stop the development being inappropriate in the Green Belt. If the appeal decision is that a temporary permission should be granted, then clearly that is something that the Council should have also considered.
6. No case is put that the Notice is hopeless or should be quashed due to inaccuracies and errors, but all of the above suggests that the entire appeal could have been avoided and would justify a full award of costs.

7. The reasons for issuing the Notice and associated officer report make no reference to the site being adjacent to the conservation area. This was only mentioned in response to the appellant's submissions that the site might be grey belt land. The Council had ample opportunity to raise with the appellant that this might be an issue requiring consideration through the appeal process. However, the timing of the response was such that Mr Green, representing the appellant, had to carry out a further site visit and follow-up work.

The response for the Council

8. The response was made orally at the Hearing.
9. There is nothing to suggest that the Notice is so hopeless that it cannot be corrected, or that the allegation is inaccurate. Any corrections that might be required would not lead to injustice. It has not been demonstrated that the use should be deemed acceptable and it has not been shown that further investigations would have led to a different conclusion. There has been a rigorous discussion at the Hearing, but the Council's position on the alleged harm has not changed.
10. It was the appellant that raised the possibility that the site could be grey belt land and consideration of the conservation area flows from that.

Reasons

11. 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.
12. The Council did not visit the site prior to the service of the Notice. Nor did they seek to discuss the allegation with the appellant. While this denied the appellant the opportunity to submit a retrospective planning application, the Council's position in respect of the acceptability of the development has not changed. As such, it appears that further discussion would not have avoided the Notice or associated costs of the appeal altogether.
13. Nevertheless, the investigation was poor and, as I have found in my appeal Decision, some of the alleged harms relating to disturbance and social cohesion have not been substantiated with robust evidence. Associated comments about highway safety impacts, raised in the Council's written evidence are based on hearsay without proper analysis. Harm in connection with these issues has not been demonstrated. It appears that this may have, at least in part, stemmed from inadequate investigation, unquestioning acceptance of neighbouring residents' statements and a lack of information about business activities. That is unreasonable behaviour. The appellant has had to respond to these matters, albeit to a limited extent, which is wasted expense.
14. The possibility that the site could be grey belt land was a clear part of national planning policy by the time the Notice was served. The Council's assessment of whether the development was inappropriate in the Green Belt should have considered this and there is no evidence that it did so. Nevertheless, the Council presented a detailed argument as to why the site should not be considered grey belt land. As it relates to the application of policies of the National Planning Policy Framework, that involves an element of planning judgement. There is no mention

- within the Notice or the accompanying officer report that the proximity of the conservation area might be relevant, but earlier assessment of that matter would not have avoided the appeal and its associated expense altogether.
15. Nevertheless, while the Council confirmed at the Hearing that the development did not harm the significance of the conservation area, its position was not altogether clear beforehand. The Council's written evidence presents a position that the site makes an important contribution to the setting of the conservation area and so is a strong reason to restrict development. This consideration also appears to infiltrate the Council's commentary about the purposes of the Green Belt in this location.
 16. On this basis, the appellant's agent's desire to return to the site to carry out some analysis of effects on the conservation area is understandable. While consideration of the conservation area might have only been raised following the appellant's reference to grey belt, had the Council's position that there was no harm to the conservation area been clear in the written evidence, then a return visit might not have been necessary. That is because the subsequent consideration about the relationship of this to whether the site is grey belt land would have been solely a matter of policy interpretation.
 17. Coupled with an ambiguous position in respect of harm to the conservation area, the seemingly late consideration of whether the site might be grey belt land is unreasonable behaviour that clearly led to wasted expense in the form of a further site visit by the appellant.
 18. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred in respect of effects on living conditions, social cohesion and highway safety, as well as the second site visit conducted by the appellant's representative in connection with assessing the conservation area. A partial award of costs is therefore warranted.

Costs Order

19. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the Council of the London Borough of Hillingdon shall pay to Mr Charles Loveridge Junior, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in consideration of the effects on living conditions, social cohesion and highway safety, as well as the second site visit conducted by the appellant's representative in connection with assessing the conservation area; such costs to be assessed in the Senior Courts Costs Office if not agreed.

The applicant is now invited to submit to the Council of the London Borough of Hillingdon, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

M Bale

INSPECTOR