Planning Inspectorate

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

Decision

1. The application for an award of costs is refused.

The submissions for the Council

2. The costs application was made orally at the hearing on 3 grounds. The grounds do not suggest wasted expense in the entire appeal process and, so, relate to an application for a partial award. The grounds are broadly as follows:

3. First, that proceedings were prolonged by the appellant's introduction of a new matter referring to the fourth scenario for employment land demand, detailed in the London Borough of Hillingdon Employment Land Capacity Study 2023 ("ELCS"). Had this been raised before the hearing, it could have been dismissed in writing then. A series of points were made at the Hearing that misconstrued the ELCS, despite the Council having addressed this in writing beforehand.

4. Second, it is unreasonable to rely on caselaw without giving full references to the case/site referred to.

5. Third, despite warnings from the Inspector, Mr Green (appearing for the appellant) constantly cut across the Council's submissions and also made disparaging comments about Council officers which required intervention and led to delays in the process. All of this wasted officer time spent at the Hearing.

The response for Mr Loveridge Junior

6. The response was made orally at the hearing. Matters associated with the ELCS are not new. The ELCS was placed in evidence and reference to scenario 4 was in response to the Inspector's questioning. It is not uncommon for Inspectors to raise questions about parts of documents not otherwise mentioned by the parties.

7. It is common for references to caselaw to arise from questioning. The caselaw in question was given in response to the Inspector’s questions and it is not unreasonable for a party to refer to it.

8. Interruptions can sometimes speed matters up and avoid time wasted on matters of agreement. Other interruptions were because Council officers were repeating matters already raised. The alleged poor conduct is not unreasonable and has been described by other Inspectors as robust. It has never been found to constitute unreasonable behaviour in other appeals.

Reasons

9. 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.

10. There had been no previous prior criticism of the supply or demand calculations in the ELCS. However, in seeking to understand whether the appellant’s other criticisms of the ELCS could assist in demonstrating an unmet need for the type of development proposed, it was necessary to interrogate this to some degree.

11. In response to my, previously unknown, questions on the matter, the appellant made reference to the fourth scenario. While the Council’s position that this scenario would not be robust is based upon the words of the ELCS, and could have been pointed out in writing beforehand, the circumstances in which it arose in the Hearing do not indicate unreasonable behaviour on behalf of the appellant.

12. The detail of the caselaw referred to by the appellant concerning conformity of various policies with the National Planning Policy Framework was not known. To some extent this indicates that the appellant was unable to substantiate points made in their written evidence. Nevertheless, while that, and other caselaw, may not have been before the Hearing, the comments made were generally as part of the discussion to support other points being made. They did not, for example, require lengthy adjournment for the Council to consider the implications of unexpected caselaw references to their case. In this scenario, the references to caselaw (fully cited, or otherwise) were not unreasonable.

13. I understand the Council’s frustrations arising from interruptions to the proceedings, evident from my own repeated requests that it stopped. Indeed, while some interruptions could save time, extraneous references to matters such as Council officers’ experience or how they may or may not have considered the written evidence, are plainly not helpful. Nevertheless, even if this could be deemed unreasonable behaviour, I am not satisfied that it led to appreciable delay in the proceedings such that there was a material waste of officers’ time. No wasted expense in the appeal proceedings has been demonstrated.

14. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

M Bale

INSPECTOR