
Costs Decision

Site visit made on 14 October 2025

by **P Burley BA (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 October 2025

Costs application in relation to Appeal Ref: APP/H5390/W/25/3365741 87 Gayford Road, London W12 9BY

- 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 Salte 6 Ltd for a full award of costs against the Council of the London Borough of Hammersmith and Fulham.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for the change of use of an unrestricted storage and distribution unit (Use Class B8) together with the erection of a mansard roof extension and alterations to facilitate the creation of five residential units (Use Class C3) and three roof terraces, together with associated waste and cycle storage provision.
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Decision

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

Reasons

2. 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.
3. The applicant has provided correspondence between it and the Council which indicates that the Council was willing to support the proposed development. Despite initial indications that the only planning obligation would relate to parking permits, the Council subsequently made a request for the applicant's agreement to a payment of £150,000 before taking the scheme to committee. Although the applicant requested justification for this over the course of several months, I have not been provided with any evidence to demonstrate that the Council explained why it considered such a contribution to be necessary to make the scheme acceptable in planning terms.
4. Furthermore, the Council has not made any suggestion in its submissions relating to this appeal that planning permission should only be granted subject to such a contribution. Instead, the Council has objected to the scheme on the basis of its effect on the character and appearance of the area, despite having previously indicated to the applicant that such matters had been resolved.
5. The applicant also submitted a second planning application, at additional cost to itself, and reminded the Council that it could still determine that application and thus avoid the time spent and costs associated with the appeal process but I have not been provided with any response from the Council to that correspondence.

6. The aim of the costs regime is to encourage all those involved in the appeal process to behave in a reasonable way and follow good practice, including in terms of timeliness, to encourage local planning authorities to properly exercise their development management responsibilities, to rely only on reasons for refusal which stand up to scrutiny on the planning merits of the case, to not add to development costs through avoidable delay, and to discourage unnecessary appeals by encouraging all parties to consider a revised planning application.
7. Based on the applicant's submissions, which the Council has not refuted or rebutted, the Council has delayed development which should clearly be permitted having regard to its accordance with the development plan, national policy and any other material considerations. Indeed, by way of an email in December 2024, the Council indicated that the main issues had been resolved and thus there has been a not insignificant delay to the delivery of housing in this case.
8. According to the information before me, the request for a large financial contribution – which is the apparent cause of the non-determination of the appeal application – has never been justified in terms of the relevant legislation or national policy. Furthermore, I have found that the alternative objection that the Council has pursued in this appeal is not supported by any objective analysis. In addition, had the Council determined the second planning application this appeal would have been unnecessary.
9. Overall, therefore, I conclude that the Council's behaviour has been unreasonable in respect of the substance of the matter under appeal.

Costs Order

10. 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 Hammersmith and Fulham shall pay to Salte 6 Ltd, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
11. The applicant is now invited to submit to the Council of the London Borough of Hammersmith and Fulham, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

P Burley

INSPECTOR