
Costs Decision

Site visit made on 12 November 2025

by **S F Barnes MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 December 2025

Costs application in relation to Appeal Ref: APP/R5510/W/25/3371435 18-20 Wilmar Close, Hayes, Middlesex, UB4 8ET

- 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 Suty Bharrich 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 'Change of use of 2no. outbuildings to granny annexes'.
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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 applicant considers that unreasonable behaviour was demonstrated by an unjustified change in officer recommendation to the Council's Planning Committee; the failure to substantiate its reasons for refusal; and inconsistent decision-making, including the failure to consider whether conditions could overcome the harm.
4. From the evidence before me, following an initial deferral of the application by the April 2025 meeting of the Planning Committee, amended plans were submitted by the applicant¹. Those plans formed the basis of the officer recommendation to the later July 2025 Planning Committee meeting and ultimately the Council's decision. Compared to the initial submission, that amended plan showed a greater extent of primary living accommodation proposed within the annexes.
5. The Council acted reasonably in reconsidering the scheme after a material amendment to the plans. The changes led to officers recommending that the application be refused. The Planning Committee was entitled to reach its own conclusions and strike its own planning balance when deciding whether to accept professional advice, although I note that Members did follow officer advice.
6. I find that the Council did not misconstrue the scheme as a proposal for self-contained, independent residential units. Rather, they found that the proposed facilities, potential for independent street access, and the particular circumstances of the site, led to the conclusion that the annexes would be capable of such use. The Council has a specific development plan policy aimed at preventing such

¹ Drawing No. S18+20/A-4 Sht S-2/B-A dated 27/05/2025

situations. I therefore do not agree that the assessment was based on vague or unsubstantiated assertions.

7. As set out in my decision, I agree with Members that there were sufficient grounds for refusing planning permission based on the proposed annexes being tantamount to self-contained units and the extent of primary living accommodation proposed. I consider that the Council substantiated its concern as set out in the reason for refusal. Although my appeal decision was based on the individual circumstances of the case, I have reached this conclusion bearing in mind that the Council supported its case with cogent appeal decisions where Inspector colleagues had reached similar findings. The April and July Planning Committee reports also acknowledged and distinguished the scheme from other recent appeal decisions that had found against the Council's previous determinations.
8. Advice previously given to Members attending the April Planning Committee (regarding the enforceability of an 'ancillary occupancy' and the likely outcome of any subsequent appeal or cost claim) was superseded by the changed circumstances, namely the amendments to the proposal. The report to the July Planning Committee contains detailed discussion of whether conditions could be used to overcome the concerns of officers, although the conclusion was not in favour of the proposal. I have reached similar conclusions in my appeal decision for the reasons set out there.

Conclusion

9. I find that the applicant has not demonstrated unreasonable behaviour resulting in unnecessary or wasted expense, as defined in the PPG. Accordingly, the application for costs is refused.

S F Barnes

INSPECTOR