



Costs Decision

Hearing held on 24 February 2026

Site visits made on 23 and 24 February 2026

by **Graham Chamberlain BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 March 2026

Costs application in relation to Appeal A Ref: APP/R5510/W/25/3363359 Metropolitan Police, Northwood Police Station, 2 Murray Road, NORTHWOOD, HA6 2YN

- 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 the Council of the London Borough of Hillingdon for a partial award of costs against Azaf Investments Ltd.
 - The appeal was against the refusal of planning permission for development described as 'Change of use from former Police Station (Sui Generis) to a children's day nursery (Class E(f)). Erection of a single storey entrance pavilion on the side (south) elevation. Erection of an access lift on the rear elevation. Fenestration alterations and removal of plant room rear extension. Widening of the existing crossover and landscaping'.
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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 (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 (the Council) makes three allegations as part of its application for an award of costs. Firstly, it suggests the appellant unreasonably submitted late evidence in the form of an Air Quality Statement that materially altered the appellant's case. Secondly, the appeal was submitted without the Transport Statement Addendum and finally, the appellant did not engage reasonably in the preparation of the Statement of Common Ground.

Air Quality

4. When preparing for the hearing, the Council reviewed the appellant's initial Air Quality Assessment and identified several errors and contacted the appellant to inform them. The appellant then submitted a revised Air Quality Assessment as late evidence. It fundamentally altered the appellant's position by arriving at a conclusion that the proposal would not be air quality neutral. Accordingly, the Council is understandably of the view that the first Air Quality Assessment was manifestly inaccurate. There is no evidence to suggest it was deliberately misleading, but it was obviously wrong because it concluded the scheme would be air quality neutral when it would not be.

5. The appellant's team did not seem to promptly appreciate the significance of the revised finding that the proposal would be at odds with the development plan unless mitigation is provided to secure air quality neutrality. The appellant did ultimately concede this point and suggested a financial figure aimed at mitigating the impact and achieving air quality neutrality. However, there was a lack of clarity. Indeed, the appellant's revised position was not plainly set out in the Statement of Common Ground. Instead, contradictory statements are made at Paragraphs 6.3 and 6.6. The Statement of Case was not amended to clarify that a financial contribution would be required. The appellant's position was not properly ironed out until the hearing.
6. Moreover, the appellant had not provided the workings behind the financial figure it was proposing. When outlining this orally at the hearing, the appellant's team introduced new evidence. This strongly contributed to the need for an adjournment. Consequently, had the appellant submitted an accurate Air Quality Assessment with their appeal, appreciated earlier the implication of the scheme not being air quality neutral and engaged in discussions to identify the level of mitigation with clear workings, then it is likely the matters in dispute could have been narrowed much earlier and perhaps could have been resolved.
7. Accordingly, the appellant put the Council to unnecessary or wasted expense in having to review an inaccurate Air Quality Assessment, bring this to the appellant's attention, review a second document out of sequence that was submitted as late evidence and fundamentally altered the appellant's case, and then try and establish the appellant's position regarding a financial contribution. The Council then had to respond to the oral evidence submitted at the hearing. Accordingly, I find that unreasonable behaviour resulting in unnecessary or wasted expense has occurred.

Transport Statement Addendum

8. The appellant failed to include the Transport Statement Addendum with the appeal. It was subsequently submitted in June 2025. This was unreasonable behaviour. However, the Council had ample time to review it and was able to provide a detailed rebuttal well in advance of the hearing. The Council has not really articulated what wasted expense it was put to. Indeed, the Council's rebuttal would have been prepared if the Addendum had been submitted with the appeal. Unnecessary or wasted expense has therefore not occurred.

Statement of Common Ground (SOCG)

9. It is clear that the preparation of the SOCG did not go as smoothly as it could have. Indeed, alterations were not tracked, and a prebooked holiday curtailed the time available to finalise the document before the deadline set out in my prehearing note. However, the document was ultimately agreed before the hearing opened. I do not consider the appellant's conduct crosses the threshold of unreasonable behaviour. In any event the Council has not really articulated what wasted expense it was allegedly put to.

Conclusion

10. Unreasonable behaviour resulting in unnecessary or wasted expense as described in the PPG has occurred in respect of the Air Quality Assessment but not in respect of the other matters. A partial award of costs is therefore warranted.

Costs Order

11. 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 Azaf Investments Ltd shall pay to the Council of the London Borough of Hillingdon, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred as outlined in Paragraph 10 of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed. The applicant is now invited to submit to Azaf Investments Ltd, to whose agents a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Graham Chamberlain
INSPECTOR