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## 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: 27 March 2026

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### **Costs application in relation to Appeal A Ref: APP/R5510/W/25/3363359 Northwood Police Station, 2 Murray Road, Northwood, London 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 Azaf Investments Ltd for a partial 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 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. The PPG also explains that a Local Planning Authority is at risk of a procedural award of costs if it introduces fresh and substantial evidence at a late stage necessitating an adjournment as well as extra expense for preparatory work that would not otherwise have arisen.
3. The Appellant submitted a revised Air Quality Assessment (AQA) in January 2026 after the Council had pointed out errors in the original. This was submitted as late evidence, but it was accepted a month before the hearing was due to open. The Council did not provide a formal written response to this document. This is despite the Council's Statement of Case only briefly addressing the effect on air quality and the delegated report outlining a proposed financial contribution towards air quality mitigation that the Council were no longer relying on.
4. As a substitute, the Council provided a new figure for the financial contribution, and a brief outline of the methodology behind its calculation, in the Statement of Common Ground. However, this was set out only shortly before the hearing was due to open thereby hampering the appellant's opportunity to respond.
5. I understand that there had been a virtual meeting to discuss matters at the beginning of February but there is dispute over what was discussed. Regardless, the Council should have formally set out in writing the heads of terms it was

seeking for the planning obligation and, crucially, the full justification for them including the methodology behind the figure. An email (From Aval Consulting Group) sent on the 12 February 2026 indicates that the Council had provided a revised figure of £216,024 but not the full workings behind it.

6. That said, the appellant should have appreciated well before the hearing opened that a financial contribution would be necessary and should have set out their approach. They could have done this unilaterally of the Council because the AQA comes to a finding that the scheme would not be air quality neutral. In any event the Council had been clear that a financial contribution would be necessary so this would not have come as a surprise to the appellant. I have already concluded in another costs decision that the appellant acted unreasonably in this respect. Furthermore, the Council's approach was hampered due to a lack of clarity regarding how the trip rate was calculated for the purposes of the AQA. On balance, the Council's late confirmation of the financial contribution it was seeking did not cross the threshold of unreasonable behaviour in the circumstances.
7. However, the Council engaged in a very detailed and technical critique of the appellant's AQA for the first time during the hearing. This raised several new points and was an evolution of the Council's case. Indeed, the Council went on to provide a 27-page document in the subsequent adjournment despite my request for concise submissions. It is unclear why the points raised had not been submitted before the hearing opened given the length of time the Council had had sight of the revised AQA. This alone would have required an adjournment. It was unreasonable behaviour.
8. The appellant was put to unnecessary and wasted expense in dealing with matters out of sequence. In particular, reviewing the Council's lengthy submissions made during the adjournment and then filing their own submissions to address them. Thus, unreasonable behaviour resulting in unnecessary or wasted expense as described in the PPG has occurred. A partial award of costs is therefore warranted.

### **Costs Order**

9. 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 Azaf Investments Ltd, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred as outlined in Paragraph 8 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 the Council of the London Borough of Hillingdon, 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