



Costs Decision

Site visit made on 19 January 2026

by J Glasin RIBA SCA MBA

an Inspector appointed by the Secretary of State

Decision date: 5 May 2026

Costs application in relation to Appeal Ref: APP/H5390/W/25/3374221

Albion Court, Albion Place, Hammersmith and Fulham, London, W6 0QT

- 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 Avon Ground Rents Ltd for a partial 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 erection of a one-storey extension to the 2 existing blocks on-site, to create 5 new flats (3 x 1 bedrooms and 2 x 2 bedrooms), associated cycle and refuse storage.
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Decision

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

Reasons

2. 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 appellant states that the Council was unreasonable as it failed to give notice of its decision on the application within the prescribed period, and it did not explain the delay or seek an extension of time. The PPG makes clear that, in appeals against non-determination, a local planning authority should explain their reasons for not reaching a decision within the relevant time limit. The absence of any explanation constitutes to unreasonable behaviour.
4. The appellant states that the Council delayed providing information during the appeal process, including the statement of case, putative reason for refusal and the planning conditions. The appellant states they incurred unnecessary expense in responding to this late information. While the Council did not produce its statement, reason for refusal and the conditions within the required timescale, they were eventually provided. Nevertheless, the failure to adhere to the statutory deadlines and the delay in providing information, without seeking an extension of time or providing an explanation for the delay, constitutes to unreasonable behaviour.
5. The Council submitted draft conditions that had been previously dismissed, which required the applicant to incur additional expense in reviewing and rebutting conditions that were not relevant. Providing inaccurate information is unreasonable behaviour, which in this case resulted in additional time and wasted expense to the applicant.

6. The applicant contends that the Council failed to copy the applicant into some of the correspondence, resulting in delays in receiving the information and additional costs. While the Council has not provided an explanation for the omission, I have no evidence the exclusion was deliberate. Nevertheless, the PPG indicates that resistance to, and lack of, co-operation with the other party in providing information, constitute unreasonable behaviour.
7. Furthermore, the Council failed to respond to the applicant's cost application, despite having been reminded to do so. The Council's failure to respond represents lack of co-operation and constitutes unreasonable behaviour in the context of the appeal.
8. The applicant paid for pre-application advice and contended that it followed the design advice provided, which lead to additional work and expense pursuing the proposal. However, pre-application advice does not bind the decisionmaker, as such the Council's actions amount to the exercise of planning judgement rather than unreasonable behaviour.
9. The applicant experienced a substantial delay in determination of a different scheme from 2022, which took a further 9 months to be refused. I acknowledge that this previous experience may have influenced the applicant's approach in the current case. However, that earlier application concerned a different proposal and cannot reasonably be relied upon to justify an award of costs in relation to the present appeal.
10. I therefore conclude, for the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and 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 Council of the London Borough of Hammersmith and Fulham shall pay to Avon Ground Rents 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.
12. The applicant is now invited to submit to 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.

J Glasin

INSPECTOR