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## Costs Decision

Inquiry held on 11 August 2026

**by A Walker MPlan MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 26 August 2026**

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### **Costs application in relation to Appeal Ref: APP/R5510/C/26/3378406 Land at Public Car Park, Stockley Country Park, Stockley Road, West Drayton, UB8 3LL**

- The application is made under the Town and Country Planning Act 1990, sections 174, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Stockley Park Golf Club Limited for a full award of costs against the Council of the London Borough of Hillingdon.
  - The inquiry was in connection with an appeal against an enforcement notice alleging without planning permission, the material change of use of Green Belt land from ancillary car park for visitor use of Stockley Country Park to use of the land for commercial parking and storage of vehicles together with associated structures.
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### **Decision**

1. The application for a full 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 application for an award of costs is made on the basis of substantive and procedural unreasonable behaviour on behalf of the Council that has led to unnecessary costs incurred by the appellant.
4. The substantive unreasonable behaviour is with regard to the Council's investigation into the alleged breach of planning control that led to the issuing of the enforcement notice (the notice). The Council carried out a site visit on 6 March 2026 and confirmed that the appeal site was in use as commercial airport parking. However, the notice alleges 'commercial parking and storage of vehicles'. The Council confirmed that the inclusion of 'storage of vehicles' in the allegation was due to the appellant's submission of documents to the Council in February 2022, which included a licence to occupy between the appellant and MG Safe Car Park Limited.
5. This licence defines the permitted use of the site as 'the parking and storage of cars or small vans'. Regardless of what was contained in the licence, the alleged breach of planning control should describe what has actually taken place, rather than what a licence between two parties permits to take place. Moreover, the licence is dated January 2022, over four years prior to the issuing of the notice. The Council carried out a site visit in January 2022. There is no record that any storage activity was observed during this visit.

6. I am not persuaded that the Council has adequately explained why it relied on a somewhat dated document that referred to storage, rather than their own observations, including confirmation from the site operator during the 2022 visit that the land was being used for 'airport parking' and the more up-to-date evidence gathered from the site visit they conducted only seven days prior to the notice being issued.
7. Whilst there is no obligation for the Council to serve a Planning Contravention Notice, and the Council did not act unreasonably by deciding not to issue one, one may have assisted the Council in ascertaining what activities were taking place on the site prior to the notice being issued.
8. I have had regard to the case of *R (Leppard) v Secretary of State for the Environment, Transport and the Regions* [2002] EWHC 484 (Admin). However, in this instance, the Council's only justification for the inclusion of 'storage of vehicles' related to such reference in a licence between the applicant and MG Safe Car Park Limited that was dated some four years prior to the issuing of the notice. This is despite their own Officer's observations in 2022 and 2026, including questioning the site operator, recording no evidence of storage. Consequently, I do not find that the extent of investigatory activities in this instance was comparable to that in *Leppard*.
9. The Council's reliance on the licence agreement as the principal basis for alleging storage of vehicles, despite more recent site observations and enquiries indicating no evidence of such activity, amounted to unreasonable behaviour.
10. The procedural unreasonable behaviour argued by the applicant is with regard to the Council's conduct during the appeal process in respect of their lack of engagement with the issue of the inclusion of 'storage of vehicles' in the allegation.
11. The applicant's grounds of appeal<sup>1</sup> first state that the appeal site 'has not been used for the storage, as distinct from parking, of vehicles.' This is reiterated in the applicant's Statement of Case<sup>2</sup>, which states 'Whereas commercial parking has taken place on the Notice Land, it has not been used for the 'storage of vehicles'. The same paragraph also refers to the case of *Crawley BC v Hickmet Ltd* [1997] 75 P&CR 500, which found that parking of vehicles is not the same as storage of vehicles.
12. The Council had the opportunity to address this issue in both their Statement of Case and Final Comments. However, they did not substantively address the issue in either document. It was only in Desmond Adumekwe's Proofs of Evidence that the Council first engaged with the appellant's argument that no storage of vehicles had taken place, with their concession that 'evidence of commercial storage of vehicles was not clear during our investigation' and that the reference to it should be omitted from the allegation.
13. The Council is correct that they need not amend a notice on the basis that an applicant states it is wrong. Moreover, the applicant's assertions in their grounds of appeal and Statement of Case that the storage of vehicles has not occurred were not supported by any substantive evidence. Nevertheless, the fact that the applicant raised the issue was sufficient to warrant a response from the Council,

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<sup>1</sup> Paragraph 2.2

<sup>2</sup> Paragraph 2.1

particularly as this was fundamental to the ground (b) appeal. However, the Council did not engage with the issue in any meaningful way until it was addressed in Mr Adumekwe's Proofs of Evidence.

14. Although Mr Adumekwe's Proofs of Evidence requested that the notice was amended to omit the reference to 'storage of vehicles', it was also open to the Council to withdraw the notice. Nevertheless, it was not unreasonable to take the view that the notice could potentially be corrected without injustice to the applicant. However, in acknowledging that in the event it would not be possible to correct the notice without causing injustice, the Council conceded that the ground (b) appeal must succeed and the notice was liable to be quashed. Nevertheless, once the Council had acknowledged that the ground (b) appeal would succeed if the notice could not be corrected without injustice, the continuation of the appeal process became dependent upon that issue alone. In those circumstances, the Council could reasonably have considered withdrawing the notice and issuing a fresh notice, thereby avoiding the need for the parties to incur the expense of an inquiry focused solely on the issue of correction under section 176.
15. The substantive and procedural unreasonable behaviour on the part of the Council resulted in the appellant incurring unnecessary expense in the preparation of its appeal case and in attending the inquiry. Had the Council properly investigated the alleged storage of vehicles and addressed the issue at an earlier stage of the appeal process, those costs would have been reduced or avoided.

### **Conclusion**

16. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a full award of costs is therefore warranted.

### **Costs Order**

17. 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 to Stockley Park Golf Club Limited, 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.
18. The applicant is now invited to submit to the London Borough of Hillingdon, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

*A Walker*

INSPECTOR