

The Planning Inspectorate

The Square

Temple Quay

Temple Quay House

Bristol

BS1 6PN

Dear Sir/Madam,

Ref: Costs Application – 29 Parkfield Road, Ickenham, UB10 8LN (Council Reference: 14459/APP/2021/1343)

The applicant wishes to make an award for costs against the London Borough of Hillingdon with relation to a recently refused planning application, which is the subject of a planning appeal. This submission will lay out the appellants justification and reasoning for costs against the Local Planning Authority.

Paragraph 030 of the *National Planning Practice Guidance* (PPG) says that irrespective of the outcome of the appeal, costs can only be awarded against a party which has behaved unreasonably, and thereby caused the party applying costs to incur unnecessary or wasted expenses in the appeal process.

Paragraph 048 explains that Local Planning Authorities are at risk of a costs award if they behave unreasonably with regard to the substance of the matter under appeal, for example by preventing or delaying development which should clearly be permitted having regard to the development plan and other material considerations, by failure to produce evidence to substantiate the reasons for refusal, by giving vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by objective analysis, and by refusing permission on a planning ground capable of being dealt with by condition.

Reason for refusal 1 of application reference 14459/APP/2021/1343 concerns the size, scale, bulk and design of the replacement dwelling and its architectural composition when viewed within the street scene and surrounding area. Prior to the submission of a formal application, the appellant submitted a pre-application enquiry to the Council.

The pre-application was the subject of a written response dated the 23rd February 2021, approx. 4 weeks before the formal application was validated by the Council. A copy of which is attached to this cost's application (Appendix 1), and with the associated appeal.

In addition to the written response of the pre-app, an email exchange between the planning officer and the applicant/agent is attached to this costs application as Appendix 2.

The appellant accepts that pre-application advice constitutes the informal opinion of an officer of the Council based on the information submitted and does not prejudice any decision the Council might take subsequently following the submission of a formal planning application. The appellant seeks to demonstrate by virtue of correspondence and a timeline of events that there was no significant new information before the Council which it was not aware of at the time of the pre-application advice. As such, the appellant would have had a reasonable expectation that this design issue would not be a reason for refusal.

Prior to purchasing the property in 2021, the appellant submitted a pre-application enquiry to the Council on the 23rd December 2020 paying a fee of £270 to the London Borough of Hillingdon.

The application was subsequently allocated to Liz Arnold, who was the planning officer for applications and appeal decisions referenced within the supporting appendices of the appeal statement relating to other proposals for replacement dwellings along Parkfield Road. In a

simple token, Liz Arnold was best suited to the pre-application submission as she was familiar with development within the road itself.

The written response was issued on the 23rd February to the appellant, by the officer, on behalf of the Council. Within their report the officer states that 'the street scene includes a mix of one or two storey properties, with many of the original bungalows having been redeveloped or extended, including at roof level.'

As part of the assessment of the pre-application plans, the officer stated to the appellant that they were familiar with the vicinity and had carried out a site visit of the street scene unaccompanied owing to covid restrictions.

The pre-application advice summarised one change of note which in the officer's opinion would have overcome the Council's concerns. The suggested amendment was the reduction of the ridge height by 0.5m compared to the pre-application submission. A copy of this correspondence forms part of Appendix 2. Appendix 2 also states that Liz Arnold was awaiting senior manager sign-off which is explicit that the advice is not singularly that of an officer, but part of the wider planning hierarchy.

Subsequently the appellant reduced the height of the ridge as part of the formal application, which is the plan upon which the new planning officer during the course of the formal assessment stated they could not support the proposal, further requesting amendments. The extent of the changes requested by the officer (Appendix 3) were significant to the point they constituted a wholly separate scheme/proposal to that considered at pre-app stage or part of the initial submission.

The appellant considers that the Council officers were able to carry out a full assessment of the street scene during the pre-app application, by virtue of a site visit, detailed photographs and appeal decisions referenced by the appellants planning agent in the covering note which was made available to the officer (Appendix 4). As such, there was no new information which

the Council received during the course of the application which would have led to the conclusions raised within the decision notice.

The pre-application advice has been renegaded on by the Local Planning Authority with no foundation or basis to do so and has been done on the whim of an officer and not with any substantiated professional advice/input.

In addition, the NPPF (Para 39 and 40) is clear that early engagement has the potential to improve the efficiency and effectiveness of the planning application system, for all parties. Local Authorities are encouraged to play a key role in encouraging other parties to take maximum advantage of the pre-application stage. In this particular case, the LPA have deviated from the aim and principles of the pre-app system as a means to guide applicants through the planning process. The applicants, as a result of poor decision making, at all levels been mis-led, mis-informed which has resulted in pursuing an appeal for a reason for refusal that they consider had been overcome at an early stage.

As such, it has been identified that there have been failures by the Council with relation to inconsistent advice, in particular following pre-application advice and revisions in an attempt to address valid concerns which arose in respect of that earlier and larger scheme. Therefore, we conclude unreasonable behaviour resulting in unnecessary expense in having to refute this single reason for refusal at appeal, and as described in PPG paragraphs 030, 046, 047 and 049 has been demonstrated in this case. The award of costs should succeed in this regard.