
Costs Decision

Site visit made on 24 January 2017

by David Walker MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27th March 2017

Costs application in relation to Appeal Ref: APP/R5510/W/16/3160345 Land adjacent to 14 and 15 East Walk, Hayes, Middlesex UB3 3JJ

- 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 Mr Anton Raimondo of Southern Capital Ltd for a full award of costs against the Council of the London Borough of Hillingdon.
 - The appeal was against the refusal of planning permission for construction of two, three bedroom houses, one two bedroom house and related facilities.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only 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. In relation to the first of the two substantive grounds of the claim, it is apparent from the addendum to the committee report that the Council had considered the adequacy of the external living spaces proposed. The assessment was necessarily made with reference to the policies of the development plan and associated supplementary planning guidance.
 4. No methodology for the measurement of the external living spaces proposed has been provided by either party. However, from the information provided to me I have found that the private spaces that would be available to future occupants would be inadequate.
 5. On the second ground. The committee report sets out an assessment of the character of the appeal site in its surroundings. It provides an adequate analysis drawing from the findings of previous appeal Inspectors. From this the Council has correctly identified that the effect of the proposal on the character of the area, in addition to its effect on appearance, is a principal issue. I acknowledge that the Council's analysis is mostly focussed on visual impacts, however.
 6. Nonetheless, the committee report and reasons for refusal clearly identify that the form and siting of the proposal contribute to harm to the distinctive pattern of the existing development. The appeal would therefore have been required to test these points in contention and accordingly no wasted or unnecessary expense has been demonstrated.
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7. With regard to the advice of the PPG I do not find that an award of costs is justified.

David Walker

INSPECTOR