

Costs Decision

Hearing held on 25 April 2017

Site visit made on 25 April 2017

by Olivia Spencer BA BSc DipArch RIBA

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

Decision date: 4th July 2017

Costs application in relation to Appeals Ref: APP/F5540/W/16/3165795 and APP/F5540/W/16/3165799

NHC1, NHC2, NHC3 and NHC4, New Horizons Court, Brentford TW7 5NG

- 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 Sackville UKPEC4 Brentford (GP) Limited for a full award of costs against the Council of the London Borough of Hounslow.
 - The hearing was in connection with an appeal against a refusal to grant approval required under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for:
Appeal A change of use from office (Class B1) to 268 residential units (Class C3).
Appeal B change of use from office (Class B1) to residential (Class C3) to provide 297 residential flats.
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Decision

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

The submissions for Sackville UKPEC4 Brentford (GP) Limited

2. The costs application and final comments were submitted in writing.

The response by the Council of the London Borough of Hounslow

3. The response was made in writing.

Reasons

4. The Planning Practice Guidance 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.
 5. The Council raised valid and specific concerns as to the appropriateness of some of the TRICS comparative sites used by the appellant in their initial reports. These were reasonable concerns that questioned the accuracy of the appellant's case in respect of trip rates.
 6. At appeal much of the Council's case concerned the accessibility of the site in relation to facilities, services and public transport. Details of these, the distances to them and descriptions of the walking and cycling environment were submitted. These are matters relevant to consideration of likely private car use, and whilst I concluded the circumstances of the site were such that car use would not be especially high, the Council provided evidence and analysis to
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support its position. The two Peterlee appeal decisions have not been challenged in the courts and notwithstanding my conclusions as to the relevance of these in this instance, it is not unreasonable for the Council to seek to rely on them.

7. TfL initially raised no objection to the first application but in the light of concerns regarding the TRICS data used, raised '*serious concerns*' to the second application with regard to the '*the impact the proposed development would have on the surrounding road network*'. This was recorded in the Officer's report. It was not unreasonable therefore of the Council to support this at appeal stage by analysis of the configuration and traffic flows through nearby junctions.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Olivia Spencer

INSPECTOR