



Costs Decision

Site visit made on 18 June 2019

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2019

Costs application in relation to Appeal Ref: APP/R5510/W/18/3211949 The Adam and Eve Public House, 830 Uxbridge Road, Hayes UB4 0RR

- 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 Yamuna House 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 restoration of the Adam and Eve Public House; demolition of the rear later additions to the Public House; proposed change of use of the existing public house with ancillary residential accommodation (Use Class A4) to A1/A2/A3/A4 Use at ground with basement store and residential (Use Class C3) at first floor and construction of a part two and part three storey building at the rear of the site to provide a total of 19 residential units (Use Class C3) with associated basement and surface level car parking, cycle parking, landscaping and associated works.
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Decision

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

Reasons

2. An award of costs may be allowed where it is found that a party behaves unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The Appellant's case is that the Council has prevented or delayed development which should clearly have been permitted with regard to the fact that comments from senior officers were received at a late stage in the planning process and the appellant was not given an opportunity to respond to these, amongst other things. Also that a lack of evidence has been provided to support the reasons for refusal, and that vague generalised or inaccurate assertions have been made including that the benefits of the scheme were not considered.
4. Through this appeal the appellant has had the opportunity to explain the merits of the scheme and address the comments from senior officers as set out in the evidence from the Council including in relation to policy and amenity space. However, as can be seen in my main decision, even with this explanation I do not agree this development should clearly have been permitted.
5. The Council has provided a report which includes justification for each reason for refusal. As such the reasons for refusal have been clearly substantiated at appeal.

6. The information in the report submitted by the Council gives clear and specific grounds for the harm identified. However, the Council's considerations of the public benefits of the scheme weighed against the harm, particularly in relation to the harm to the significance of the Hayes Village Conservation Area (the Conservation Area) is limited. Nevertheless, I undertake this exercise in my main decision and it can be seen that I find harm in relation to the significance of the Conservation Area. Therefore, this appeal would have been necessary in any event and consequently this behaviour has not led to unnecessary or wasted expense in this regard.
7. The guidance is clear that costs cannot be claimed for the period during the determination of the planning application and that awards cannot extend to compensation for indirect losses, such as those which may result from alleged delay in obtaining planning permission.
8. Consequently, for the reasons set out above, unreasonable behaviour resulting in unnecessary or wasted expense during the appeal process has not been demonstrated.
9. For this reason, neither a full or partial award for costs is justified.

H Miles

INSPECTOR