



Costs Decision

Site visit made on 8 September 2020

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2020

Costs application in relation to Appeal Ref: APP/R5510/W/20/3246097 23 Stonefield Way, Ruislip HA4 0YF

- 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 Travis Perkins (Properties) Limited 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 demolition of existing buildings and redevelopment to provide a builders merchants (sui generis use) with associated access, servicing, parking and outdoor storage without complying with conditions attached to planning permission Ref 25508/APP/2014/3570, dated 2 March 2015.
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Decision

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

Reasons

2. 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. The PPG provides that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations
3. The appellant contends that the Council did not apply the policies of the development plan correctly, did not adopt a presumption in favour of sustainable development and that the decision to refuse the planning application has led to unexpected and unnecessary expense in the appeals process.
4. The situation at other sites, whilst a material consideration is not on its own determinative. Planning applications should be considered on their own merits taking into account the individual characteristics of a site and its surroundings. For the reasons set out in my appeal decision, I too have concluded that the proposals would conflict with the parts of the development plan that seek to protect the character and appearance of the area and highway safety.
5. The National Planning Framework (the Framework) sets out amongst other things that achieving sustainable development encompasses environmental and social objectives as well as economic objectives and that these are interdependent and need to be pursued in mutually supportive ways.

Therefore, even accounting for the support for economic development in national and local policy, the significant harm identified outweighs any economic benefits in this instance. It was therefore not unreasonable for the Council to reach the conclusions it did.

6. The appellant suggests that the Council was not prepared to negotiate. However, I have not seen any substantive evidence to suggest the appellant was open to compromise on the proposed layout or the maximum height of materials stored. The Council was therefore entitled to determine the application on the basis of the proposals before them.
7. I conclude that there has not been unreasonable behaviour which has caused unnecessary expense in this instance and the application for costs is refused.

M Russell

INSPECTOR