



Costs Decision

Site visit made on 6 October 2020 by Scott Britnell MSc FdA MRTPI

Decision by R C Kirby BA(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2020

Costs application in relation to Appeal Ref: APP/F5540/W/20/3244697 Suite A, 56-57 Brentford High Street, Brentford TW8 0AH

- 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 Bernardete Muiti for a full award of costs against the Council of the London Borough of Hounslow.
 - The appeal was against the refusal of planning permission for development described as, 'We are planning to run a nursery and pre-school for children aged 0-5 with the maximum amount of 26 children. The main room is to be used as the play area. The smaller room is to be used as the additional play area. The backyard will be used as our outdoor play area. We intend to install a slide and a sand pitch in the backyard. We also wish to add fencing and a gate to the outside space. We plan to separate the kitchen area with a safety lock gate and a bar counter. In the bathroom, the toilet seat and the sink will be replaced with a children's size. The additional separate WC will be used by staff only'.
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Decision

1. The application for costs is refused.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Reasons for the Recommendation

3. 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.
4. The appellant's evidence in respect of the lead case suggests that she requested an extension in time for the Council to determine the application. The purpose of this request was so that the appellant could amend the Transport Statement and Travel Plan so that the proposal would fully follow Policy EC2 guidelines. In particular, it is suggested that the amended Travel Plan would demonstrate that the nursery would encourage travel by sustainable modes of transport. It is also indicated that the appellant had managed to secure 4 parking spaces at the nearby Ferry Quay Car Park. The appellant suggests in declining their request for the extension that the Council acted in a way that was disproportionate and unfair.

5. It is clear from the Officer Report that the Council considered the Transport Statement and Travel Plan that were placed before it, as it is reasonable for them to do so. Further, I have no copy of the appellant's request for an extension before me or any response that the Council may have provided. Moreover, I have found the proposal to be unacceptable notwithstanding the amended Transport Statement and Travel Plan that the appellant has submitted with the appeal.
6. In light of the above, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Conclusion and Recommendation

7. For the reasons given above, I recommend that the application for costs should be refused.

Scott Britnell

APPEAL PLANNING OFFICER

Inspector's Decision

8. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the application for costs is refused.

RC Kirby

INSPECTOR