



Costs Decision

Site visit made on 04 December 2020

by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2020

Costs application in relation to Appeal Ref: APP/R5510/W/20/3256165 Land at Sidmouth Drive, Ruislip, London HA4 6LE

- 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 Daejan Investments Ltd against the decision of London Borough of Hillingdon.
 - The appeal was against the refusal of planning permission for 'erection of 2 x two-storey, 2-bed semi-detached dwellings with associated parking and amenity space and cycle and refuse storage, involving demolition of existing garages'.
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Decision

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

Reasons

2. 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.
3. The Appellant states that the Local Planning Authority (LPA) behaved unreasonably in that it:
 - Prevented or delayed development which should clearly have been permitted having regard to its accordance with the development plan, national policy and any other material considerations,
 - Gave vague, generalised and inaccurate assertions about the proposal's impact, which was unsupported by objective analysis, and;
 - It had not determined similar cases in a consistent manner.
4. Whilst the Council refused the planning application, it made its own subjective assessment of the scheme and in doing so, it had regard to the relevant policies of the development plan, national policy and other material considerations. Though I have not agreed with the conclusions reached by the Council on these subjective matters of judgement, the Council had not behaved unreasonably in refusing the application on the basis of its own assessment.
5. The reasons for refusal given by the Council, though relating to subjective issues of design and character and the impact of the proposal on living conditions, were substantiated by specific reasoning relating to the size, scale, mass and layout of the appeal proposal. Though I have disagreed with the

Council's assessment, I do not find its behaviour in reaching a different conclusion to be unreasonable.

6. Though the Council granted a planning permission¹ for redevelopment of a similar garage site with a similar proposal, the relationship of that site to the street scene and to its neighbouring properties was different to that of the appeal site. The Council was entitled to reach a different conclusion based on the individual merits of the schemes.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Kim Langford Tejrar

INSPECTOR

¹ Ref. 69863/APP/2019/3294