



Costs Decision

Site visit made on 25 January 2022

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th February 2022

Costs application in relation to Appeal Ref: APP/R5510/W/21/3283577 67 Bishops Road, Hayes UB3 2TF

- 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 Mr Vipul Patel 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 the demolition of garage and erection of a detached 2 storey 1 bed 2 person dwellinghouse with associated amenity spaces, vehicle parking and new crossover, bicycle and bins stores on land adjacent to 67 Bishops Road.
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Decision

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

Reasons

2. Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The application is made on the grounds that the Council behaved unreasonably on substantive and procedural grounds thereby incurring unnecessary expenditure as a result of the need to prepare and submit the appeal. The applicant sets out that the Council failed to consider the similar development at 65 Bishops Road and therefore have not applied a consistent approach to decision making; they failed to seek amendments to the application which could have brought about a positive recommendation; and did not properly assess the proposal in accordance with the Development Plan, including London Plan policies.
4. The Council's reasons for refusal, which are set out in the decision notice, are complete, precise, specific and relevant to the application. The decision notice also clearly states the policies of the development plan that the proposal would conflict with. I consider that these reasons were adequately substantiated by the Council its officer report. Furthermore, I agree with the Council that the development does not comply with relevant development plan policies because it would likely lead to an increase in on-street parking.
5. In respect of considering the similar development at 65 Bishops Road, I agree with the Council that this case is historic and was determined under a different policy regime. In any event, it is clear from the officer's report that the Council

were aware of this nearby development and had made reference to it where it found it necessary to do so.

6. With respect to the failure to seek amendments, there is no evidence before me to suggest that through seeking minor amendments, the effects of the development proposed could have been overcome.
7. I appreciate that the appellant does not agree with the outcome of the application. However, the Council were not unreasonable in coming to that decision and there is no evidence to suggest that they have unreasonably prevented or delayed a development that should otherwise have been approved.
8. As a result, it follows that I cannot agree that the Council has acted unreasonably in this case. As such, the applicant has not been put to unnecessary or wasted expense, as described in Planning Practice Guidance. For this reason, an award for costs is not justified.

A Price

INSPECTOR