



Costs Decision

Site visit made on 27 June 2022

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2022

Costs application in relation to Appeal Ref: APP/R5510/W/22/3297078 The Tichenham Inn, 11 Swakeleys Road, Ickenham UB10 8DF

- 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 J D Wetherspoon PLC 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 installation of a fixed glazed barrier system around the external seating area.
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Decision

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

Reasons

2. The Planning Practice Guidance (the Guidance) advises that costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur unnecessary or wasted expense in the appeal process.
3. From the evidence before me, the Council took considerably longer than the prescribed eight week period to determine the planning application and did not contact the applicant until after the statutory determination period had already expired. There is little understandable reason why this was the case.
4. However, due to the differences between the Council and the applicant on the merits of the proposal, it would appear unlikely that a swifter decision by the Council would have led to a different decision and consequently avoided the appeal being made. Moreover, as can be seen within my appeal Decision, the Council had reasonable concerns which justified its decision. The claimed fallback positions were not capable of making the appeal scheme acceptable, and the suggested amendments were not appropriate given the description of the development applied for. Consequently, the Council has not acted to prevent development which should have clearly been permitted.
5. Therefore, whilst the delay by the Council was unwarranted, it has not been demonstrated that this directly led to wasted or unnecessary expense in making the appeal.
6. As a result, I find that unreasonable behaviour, resulting in unnecessary or wasted expense as described in the Guidance, has not been demonstrated and an award for costs is not justified.

A Caines

INSPECTOR