



Costs Decision

Site visit made on 7 July 2022

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th October 2022

Costs application in relation to Appeal Ref: APP/R5510/W/22/3297015 32 Star Road Uxbridge UB10 0QH

- 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 Arek Marczewski 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 development described as the demolition of existing outbuildings and erection of a detached single storey 2-bedroom 4-person bungalow with associated amenity spaces, vehicle parking, bicycle and bin stores (re-submission of similar proposal under reference 6964/APP/2021/1956).
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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 applicant refers to many reasons in their costs application and the Council have responded, disputing the reasons.
4. With regards the timeliness of the decision, I note that on the basis of the evidence before me some time passed between the appellant agreeing to pre-commencement conditions and the application being refused planning permission. It appears that, while the case officer was largely satisfied with planning application the team Leader at the Council was not. That the applicant had an expectation that the planning application would be approved only for it to subsequently be refused is unfortunate. Nonetheless, I note that the applicant willing agreed to various extensions of time and I am satisfied that the behaviour of the council in this regards does not amount to unreasonable behaviour.
5. With regards the first reason for refusal, in determining the appeal I have reached a different conclusion to the Council, but I am nonetheless satisfied that the council have adequately substantiated their reasoning and as such no unreasonable behaviour has been demonstrated.
6. With regards the second and third reasons for refusal, I saw at the site visit that the access driveway to the appeal property is undeniably narrow and in

close proximity to the side elevations of the neighbouring properties and again I am not satisfied that the Council acted unreasonably in this instance.

7. While I have not found in favour of the Council with regards reason for refusal 4, the Council has reasonably substantiated their concerns which are not unreasonable.
8. While I have allowed the appeal and granted planning permission for the proposed development, I do not find that the Council acted unreasonably reaching the decision that it did and on the grounds that it did.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Mr M Brooker

INSPECTOR