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## Costs Decision

Site visit made on 15 February 2017

**by Simon N Hand MA**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 21 April 2017**

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### **Costs application in relation to Appeal Ref: APP/F5540/X/17/3167839 1 The Alders, Feltham, TW13 6NU**

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
  - The application is made by the Council of the London Borough of Hounslow for a full award of costs against BH Property Management.
  - The appeal was against the refusal of a certificate of lawful use or development for construction of detached outbuilding to rear garden. Used as gym and games room. (ancillary to main dwelling house).
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### **Decision**

1. The application for an award of costs is allowed in the terms set out below.

### **The Case for the Parties**

2. The Council argue that they had measured the building to be 2.6m and no evidence was provided to gainsay that. It was also abundantly evident that the building had not been provided a purpose incidental to the dwellinghouse and no evidence was provided to the contrary.
3. The appellant has not replied.
4. 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.
5. In my view the Council are correct. The appellant was professionally represented and the appeal had no chance of success for the reasons set out in the decision letter. This is clearly unreasonable behaviour that led to the wasted costs for the Council of defending an appeal.

### **Costs Order**

6. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that BH Property Management shall pay to the Council of the London Borough of Hounslow, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.

7. The applicant is now invited to submit to BH Property Management, to whose agents' a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

*Simon Hand*

Inspector