

Costs Decision

Site visit made on 13 March 2017

by A U Ghafoor BSc (Hons) MA MRTPI

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

Decision date: 24 April 2017

Costs application in relation to APP/F5540/C/16/3156995 62 Roxborough Avenue, Isleworth TW7 5HJ

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr A Musaraj for a full award of costs against the Council of the London Borough of Hounslow.
 - The appeal was against an enforcement notice alleging without planning permission, the material change of use of the property into two self-contained flats.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) 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. Mr Musaraj argues that the Council has behaved unreasonably by issuing the notice. He is disappointed with the outcome but also expresses disgust at the handling of matters. However, expediency is purely a matter for the local planning authority. It appeared a breach of planning control had factually occurred and that is consistent with my findings. Adequate prior investigations had been made before action was taken.
4. The matters raised required an exercise of planning judgement and application of principles established by the Courts to the facts of this case. My decision explains why I have arrived at a different conclusion to Mr Musaraj, but planning permission had not been obtained for the conversion of the property into two self-contained flats. In the context of these proceedings, there is nothing before me to suggest that the Council's handling of matters leading up to the issuing of the notice amount to procedural unreasonableness.
5. I consider that the Council submitted sufficient evidence to substantiate its case and reasons for issuing the notice. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been shown. An award of costs is unjustified in this case.

A U Ghafoor

Inspector
