



Costs Decisions

Site visit made on 24 October 2019

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2019

Costs application in relation to Appeal A, Ref: APP/F5540/W/19/3234624
Costs application in relation to Appeal B, Ref: APP/F5540/W/19/3234627
Pavement outside 548 Chiswick High Road, London, W4 5RG

- Appeal A: The costs 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).
 - Appeal B: The costs application is made under section 322 of the Town and Country Planning Act 1990, Regulation 17 of the Town and Country Planning (Control of Advertisements) Regulations 2007, and section 250(5) of the Local Government Act 1972.
 - The applications are made by Urban Innovation Company for a full award of costs against the Council of the London Borough of Hounslow.
 - The appeals were against the refusal to grant planning permission and express consent for the erection of 1no. Pulse Smart Hub with 2no. inset digital advertising screens.
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Decisions

1. The applications for an award of costs are refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, 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 considers that the Council acted unreasonably and that this has caused the appellant to incur unnecessary or wasted expense in undertaking the appeals. It has been put to me that the Council failed to provide evidence to substantiate its refusal reasons, provided vague, generalised and inaccurate assertions, persisted in objections to the schemes which are similar to others which have previously been found to be acceptable, and have not determined similar cases in a consistent manner.
4. The Council's Decision Notices set out clear, complete refusal reasons based on conflict with the development plan. The Council's Officer Reports for each of the planning and advertisement consent applications show that Officers gave consideration to the site's surroundings and planning history. Although the wrong appeal reference appears to have been listed for one of the approved schemes, the Officer Reports refer to and consider the two previously approved kiosks that are in a similar location to the appeal proposals. The Officer Reports also deliberate and substantiate the alleged harm of the developments, and compare the appeal proposals against the approved schemes. The Council's appeal statement then elaborates on and substantiates the main issues relevant to both appeals, responds to various points made in the appellant's

appeal statements, and provides further evidence to support the refusal reasons.

5. I have come to a different conclusion to the Council and have allowed the appeals. However, this does not mean that the Council acted unreasonably in refusing the applications. Although two kiosks have been approved in a similar location to the appeal proposals, the evidence before me indicates that each development is different, including with regards to matters such as size, appearance and design. The findings and decisions for those schemes are not therefore necessarily directly applicable to the appeal proposals. Accordingly, the extant permissions do not automatically indicate that the appeal proposals are acceptable nor that the Council's decision to refuse the applications was inconsistent and failed to sufficiently take account of relevant planning history.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Tobias Gethin

INSPECTOR