

Costs Decision

Site visit made on 20 November 2019

by Sandra Prail M.B.A., LL.B (Hons), Solicitor (non practising)

an Inspector appointed by the Secretary of State

Decision date: 12th December 2019

Costs application in relation to Appeal Ref APP/F5540/X/19/3221410 Land at 61 Hadley Gardens, Southall, London, UB2 5SH

- The application is made under the Town and Country Planning Act 1990, sections 195, 320 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 partial award of costs against Mr Jaspal Singh.
 - The appeal was against a refusal of a certificate of lawful use or development for use of outbuilding in rear garden of 61 Hadley Gardens, Southall, London, UB2 5SH as a self-contained residential unit.
-

Decision

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

Reasons

2. The Planning Practice Guidance (the Guidance) 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 Guidance provides that an Appellant may be at risk of an award of costs if he introduces fresh and substantial evidence at a late stage necessitating an adjournment, or extra expense for preparatory work that would not otherwise have arisen.
4. The Council argue that the Appellant acted unreasonably by submitting a supplementary statutory declaration at a late stage in the appeal proceedings. They say that they have had no opportunity to comment on its content and did not take it into account when determining the application the subject of the appeal.
5. The Appellant produced the short supplementary declaration in response to the Council's assertion that the use of the outbuilding had been abandoned. The evidence did not result in extra expense for the Council as no additional evidence was produced following the submission of the declaration. The Council has also confirmed that had it seen the evidence before making its determination it would not have affected its decision. I do not consider that the evidence led to extra expense for preparatory work by the Council that would not otherwise have arisen. The Council has not been prevented from commenting on the evidence in this appeal.

6. For the reasons given, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated. I conclude that the award of costs sought by the Council of the London Borough of Hounslow is not justified. The application should be refused.

S. Prail

INSPECTOR