
Costs Decision

Site visit made on 16 November 2021

by P N Jarratt BA DipTP MRTPI

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

Decision date: 1 December 2021

Costs application in relation to Appeal Ref: APP/F5540/X/20/3263789 15 Clifton Road, Isleworth, TW7 4HL

- 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 Borough of Hounslow for a full award of costs against Mr Julian Pointon
 - The appeal was against the refusal of a certificate of lawful use or development for the continued use of the property as four self-contained residential units.
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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 Council considers that the appellant has behaved unreasonably by appealing against a refusal of the LDA as the information supplied was insufficient to establish whether the use was lawful, and in supplying further information through the appeal process.
4. It is the applicant's right to appeal a decision. Furthermore it is best practice for the Council to enter into constructive discussions with an applicant and for there to be the opportunity to amend an application before it is determined which could avoid the necessity of an appeal. This approach is contained in the government's Procedural Guide: Certificate of lawful use or development appeals – England (October 2021), but it appears that this approach to best practice was not followed by the Council.
5. At paragraph A.2.4 the Procedural Guide indicates that the appellant's representations should disclose their case through an appeal statement and any supporting evidence. However paragraph 1.3.2. indicates that potential appellants should consider the reasons for refusal carefully when deciding whether to make an appeal. Appellants should be confident at the time they make their appeal that they have a clear case and do not need to rely on evidence that was not available to the local planning authority when it made its decision.
6. Although the appellant has provided additional evidence at the appeal stage, this was necessary as a result of the Council's failure to enter into discussions

prior to determining the LDC application and in these circumstances I do not consider the applicant to have been unreasonable in doing so.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Peter Jarratt

Inspector

