



Costs Decision

Site visit made on 12 January 2022

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 February 2022

Costs application in relation to Appeal Ref: APP/F5540/W/21/3275573 1 Prince Regent Road, Hounslow TW3 1NE

- The 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).
 - The application is made by Mr Charanjeev Gill of CMP London Ltd for a full award of costs against the London Borough of Hounslow.
 - The appeal was against the refusal to grant conditions of consent, agreement or approval to details required by a condition of planning permission Ref 00896/B/P1 for the erection of a six storey building comprising nine flats (two one-bedroom, four two-bedroom & three three-bedroom) and associated car parking, cycle parking and refuse storage.
-

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. Paragraph 049 of the Planning Practice Guidance sets out the examples of unreasonable behaviour by local planning authorities which includes preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations and vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. From the evidence before me, Council Officers had been in discussion with the appellant regarding the submitted details prior to submission of the appeal. However, they were not fully persuaded that the information provided was satisfactory in demonstrating carbon emission reductions and energy efficiency.
5. I appreciate that refusal of the application before further dialogue with Council Officers could have taken place and resubmission of the application will have been a disappointment to the appellant. However, it is not unreasonable to expect officers to properly evaluate the submitted details or make constructive suggestions to ensure sustainable development. In this particular regard it would not be reasonable to conclude that the Council had behaved unreasonably based on the evidence before me.

6. In the planning judgement, it appears to me that having regard to the provisions of the development plan, national planning policy and other material considerations, the proposals should reasonably have been permitted. However, the Council produced a cogent report and has substantiated its position on appeal rather than vague, generalised or inaccurate assertions. As a result, it follows that I do not agree that the Council acted unreasonably in this case.

Conclusion

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. For this reason, and having had regard to all other matters raised, an award of costs is not justified.

B Thandi

INSPECTOR