
Costs Decision

Site visit made on 28 February 2022

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 April 2022

Costs application in relation to Appeal Ref: APP/F5540/W/21/3278042 98 Windmill Road, BRENTFORD, TW8 9NA

- 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 Mrs R Dhillon for an award of costs against the Council of the London Borough of Hounslow.
 - The appeal was against the refusal of planning permission for the conversion of the house into three self contained flats with minor rear elevational change at first floor, bin and cycle storage.
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Decision

1. The application for 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. The PPG provides that Local Planning Authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, or by 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.
3. The Council originally stated that the building was less than the 130sqm referred to in policy SC6 of the Hounslow Local Plan. The Council have stated that there has been an error in the calculation. However, this was not the only reason for refusal and so even if there was no error then it would not have avoided an appeal being necessary.
4. Regarding the living condition issues, I am satisfied that the Council have explained their reasoning adequately against adopted planning policy. I would not describe the Council as giving only vague, generalised or unsubstantiated reasoning, even if the level of evidence provided was not always detailed, in my view. Indeed, the Appeal has been dismissed due to the impact on future occupant's living conditions.
5. There were other cases brought to my attention, but there were differences in all these cases compared to the development proposed with the appeal. I have determined the proposed development on its own merits against adopted policies.

6. Therefore, for the reasons set out above, I find that there has not been unreasonable behaviour which has caused unnecessary expense in this instance and the application for costs is refused.

Mr S Rennie

INSPECTOR