
Costs Decision

Site visit made on 26 April 2022

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 May 2022

Costs application in relation to Appeal Ref: APP/F5540/W/21/3285969 74 Kingsley Road, Hounslow TW3 1QA

- 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 & Mrs J Ahmed for a full award of costs against the Council of the London Borough of Hounslow.
 - The appeal was against the refusal of planning permission for a proposed development described on the application form as, "Conversion of a ground floor office and existing residential floorspace to form a financial and professional services office (Use Class A2) and one (1x) self-contained flat".
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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. The applicants have referred to several examples of planning permissions (including appeal decisions), which were put before the Council at application stage. All these examples were also put before me in the associated appeal.
4. As explained fully in my appeal decision, those examples, whilst of some relevance, do not change my finding that the appeal proposal would conflict with Policies TC3 and SC6 of the London Borough of Hounslow Local Plan 2015 – 2030: Volume One (adopted 2015). The Council came to the same overall conclusion as I did, and provided clear reasons in their Officer's Report to support their findings. It follows from this that the Council did not behave unreasonably on this ground.
5. Considering the case law relating to consistent decision-making¹, highlighted by the applicants, I consider that it would have been best practice, at the very least, for the Council to have referred to the specific examples highlighted by the applicants in their Officer's Report, and ideally to have compared those examples with the proposal before them. Notwithstanding this, even if I were to find that this constituted unreasonable behaviour, the Council were correct to refuse the planning application, meaning that no unnecessary or wasted

¹ Including *North Wiltshire DC v SSE* (1993) 65 P & CR 137; *R (Midcounties CoOperative Limited) v Forest of Dean DC* [2017] EWHC 2050; *Cumberlege v SSCLG* [2017] EWHC 2057

expense has occurred and an appeal would have been the next route to seek resolution.

6. Furthermore, for the avoidance of doubt, whether the Council has operated inconsistently or not over a range of previous cases is not something that I can assess in the context of a Costs application which relates to a specific appeal proposal.

Conclusion

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Accordingly, I determine that the costs application should fail, and no award is made.

Alexander O'Doherty

INSPECTOR