



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: 13 June 2022

Costs application in relation to Appeal Ref: APP/F5540/W/21/3285861 2a Myrtle Road, Hounslow TW3 1QD

- 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 Khan 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 as, "Change of use of a single dwelling-house to a financial & professional services office (Use Class A2) and one (1x) self-contained flat and external alterations".
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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 applicant has 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. In relation to this, I have had regard to the case law relating to consistent decision-making¹, referenced by the applicant.
4. Even if it were the case, as advocated by the applicant, that the Council did not strictly apply and assess those previous planning applications against Policies TC3 and SC6 of the London Borough of Hounslow Local Plan 2015 – 2030: Volume One (adopted 2015) (Local Plan), 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 the Local Plan. Moreover, the Council came to the same overall conclusion as I did, and provided clear reasons in their Officer's Report to support their findings.
5. Similarly, in relation to the Council's determination of the specific planning application that came before me at appeal, even if I were to find that, when comparing those previous planning permissions with the Council's determination, that the Council was not acting consistently, resulting in unreasonable behaviour, in this particular instance 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. Regarding the weight attributed to those examples by the Council, I note that in their Officer's Report the Council distinguished the previous appeal decisions cited by the applicant by reference to the fact that Myrtle Road and Kingsley Road are different in character. Having visited the local area and considered all the evidence before me, and noting that Myrtle Road is predominantly residential whereas Kingsley Road contains a greater mix of uses, in my view the Council's position was within the range of reasonable possibilities open to it.

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