



Costs Decision

Site visit made on 22 June 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2023

**Costs application in relation to Appeals APP/F5540/W/22/3311701, APP/F5540/W/22/3311704 and APP/F5540/H/22/3311708
Units 32-34 The Centre, High Street, Feltham TW13 4AU**

- 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 Merkur Slots UK Ltd for a full award of costs against the Council of the London Borough of Hounslow.
 - This costs decision is in connection with two appeals against the refusal of planning permission for a change of use and the installation of a replacement shopfront, and one appeal against the refusal of advertisement consent.
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Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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 sets out that the Council has behaved unreasonably by failing to produce evidence to substantiate the reasons for refusal in each application, and has prevented development which should clearly have been permitted having regard to the development plan.
4. For each case, I have noted the Council's reasons for refusal. These are specific and relevant to the individual applications. They also clearly state the policies of the development plan which the proposal is considered to conflict with. These reasons, in my view, have been adequately substantiated, based on matters of vitality and viability of the town centre and character and appearance. Moreover, the planning committee is entitled to take a different view to that of the officers.
5. Whilst I have reached a different conclusion to the Council in respect of the three appeals before me, there is nothing to suggest that the Council was unreasonable in reaching its conclusion. Rather, the application for costs essentially relates to disagreements about legitimate matters of planning judgement. I am satisfied that the Council's determination of the applications, and its reasoning, is credible and that it was entitled to reach the decision it did.
6. Accordingly, I find that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.

Conclusion

7. I conclude that the application for an award of costs should be refused.

A Price

INSPECTOR