



Costs Decision

Site visit made on 13 June 2023

by Emma Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2023

Costs application in relation to Appeal Ref: APP/F5540/W/22/3310645 37 South Street, Isleworth TW7 7AL

- 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 PH Ground Rent Investments Limited for a full award of costs against the London Borough of Hounslow.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for the change of use of the basement from Bookmakers ancillary office to E(g) office use and the construction of a side door opening, Ref P/2021/3347, dated 16 August 2021.
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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 PPG advises that if it is clear the local planning authority will fail to determine an application within the time limits, it should give the applicant a proper explanation as to the reasons for the delay. Additionally, in any appeal against non-determination, the local planning authority should explain their reasons for not reaching a decision within the relevant time limit, and why permission would not have been granted had the application been determined within the relevant period.
4. The Council failed to determine the planning application. The application for costs is made on the basis that the Council has exhibited unreasonable behaviour as a consequence of its delay in the determination of the planning application. Whilst the applicant indicates that the initial delay was due to concern regarding issues relating to land ownership and rights of access, I have not been provided with any reasons for the delay by the Council.
5. However, in its Statement of Case the Council has given reasons as to why permission would not have been granted had the application been determined within the relevant period. I, too, have found that harm would arise in that regard. It follows that the Council has shown that it was able to substantiate its concerns and, had the application been determined, it is unlikely that an appeal would have been avoided. While I note the financial implications for and costs accrued by the applicant in the intervening period, for the above reasons there has been no unreasonable behaviour that has led to unnecessary expense in the appeal process.

Conclusion

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. The application for costs is refused.

Emma Worley

INSPECTOR