



Costs Decision

Site visit made on 30 January 2024

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th February 2024

**Costs application in relation to Appeal Ref: APP/F5540/W/23/3326324
Amwell House, The Woodlands, ISLEWORTH, TW7 6NZ**

- 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 P Corcoran of Jack White Enterprises Ltd against the decision of the Council for the London Borough of Hounslow.
 - The appeal was against a refusal to grant approval required under Schedule 2, Part 20, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
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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 submits that the Council has acted unreasonably in that refusing the application for prior approval, it failed to substantiate their reasons for refusal and made inaccurate assertions about the height of the proposal and the age of the existing site, which was unsupported by any objective analysis.
4. In regard to the applicants claim that the Council failed to substantiate its reasons for refusing the scheme, I would acknowledge that the officers report contained limited information in respect to the two main issues as to why the proposal would not be considered permitted development under Schedule 2, Part 20, Class A of the GPDO. It is also regrettable that the Council did not reference any specific case law, relying on appeal decisions with some similarities to the appeal site. However, the Councils submitted Statement of Case (SoC) does provide further clarification and evidence in respect to their decision.
5. Whilst I reached an alternative view from the Council in respect to their conclusion on the height of the building and number of storeys contained therein, the reason for refusal was nevertheless clear and there was sufficient information before me to enable me to understand the case made by the Council. It follows that I am satisfied that the Council has, advanced a case, in the form of the SoC, that in its opinion, indicated why the proposal was contrary to the GPDO. Therefore, I cannot conclude that the Council had behaved unreasonably in respect to this issue.
6. As seen from my decision, I agreed with the Council that there were sufficient grounds for refusing permitted development on matters relating to the date of

the development with respect to limitation set out at Schedule 2, Part 20, Class A Paragraph A.1.(c). The Council's reasons and assessment are sufficiently clear in this case, and I am satisfied that the Council has shown that it was able to substantiate this reason for refusal. Consequently, I cannot agree that the Council has acted unreasonably in this matter.

7. The Council has therefore shown that the application would have been refused and an appeal would have resulted. Therefore, I do not find that the Council in determining the application prevented or delayed a development which should clearly have been permitted. There was not, as a consequence, unnecessary or wasted expense as the Council's case was justified.
8. Whilst not directly related to the costs application the applicant highlights that a pre-application submission failed to identify issues later used in the Council's reasons for refusal, and in fact provided contradictory advice in respect to the height of the existing building. Whilst the applicant may be frustrated with their dealings with the Council in respect to both the pre-application and application processes, the concerns about the conduct of the Council, are best addressed not to me but the Council's complaints procedure and potentially the Local Government ombudsman.
9. Overall, I am satisfied that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Robert Naylor

INSPECTOR