



Costs Decision

Site visit made on 13 November 2023

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2024

Costs application in relation to APP/F5540/D/23/3327796 18 Park Drive, Acton, Hounslow, London W3 8NA

- 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 Nicholas Hearne for a full award of costs against the Council of the London Borough of Hounslow
 - The appeal was against the refusal of retrospective application for the removal of pebble dash on the first-floor rear elevation and replace with painted render to match rear ground-floor extension.
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Decision

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

Reasons

2. The National Planning Practice Guidance (NPPG) 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 Appellant contends that due to the Council issuing a Breach of Condition notice, rather than an Enforcement Notice, the submission of a retrospective planning application (ref: 00854/18P5) was the only option available to progress an appeal.
4. The appellant also contends that appeal procedure relates to works that have planning permission (ref: 00854/18P4).
5. It will be seen from my decision that I agree with the Appellant that there were no sufficient grounds for refusing the development, however it does not automatically follow that the Council acted unreasonably.
6. The appellant is correct there is no right of appeal to the Secretary of State against a breach of condition notice. The validity of a breach of condition notice, and the propriety of the local planning authority's decision to serve a breach of condition notice, may however be challenged by application to the High Court for judicial review¹.
7. The Council have responsibility for taking whatever enforcement action they deem necessary, in the public interest, in their administrative areas to remedy a breach of planning control. It is not within my remit but rather that of the

¹ National Planning Practice Guidance, Paragraph: 049 Reference ID: 17b-049-20140306

High Court to consider the justification for serving the breach of condition notice therefore there is no need for me to address this point further.

8. As a result, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the National Planning Practice Guidance, has not been demonstrated.

C Pipe

INSPECTOR