



Costs Decision

Site visit made on 4 March 2025

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th March 2025

Costs application in relation to Appeal Ref: APP/F5540/W/24/3356401 Whitelocke House, 2-4 Lampton Road, Hounslow TW3 1JL

- 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 Jacques Bingham and Mr Henry Hardy of Whitelocke House HL Limited 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 the erection of two additional storeys on the existing four storey Whitelocke House to create a six-storey building and to provide eight additional self-contained flats and ancillary works.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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. In submitting this application for cost, the applicant asserts that the Council have not provided sufficient evidence or objective analysis to justify the reasons for refusing the planning application, and instead has relied on generic or generalised comments.
4. Whilst the onus is on the applicant to demonstrate how a development proposal would provide suitable facilities for future occupiers, such as bins for refuse and recycling, this appeal relates to an existing residential development which already has a designated refuse store and an established collection service. Future occupiers of the proposed development would, therefore, utilise the refuse store within the existing residential block.
5. As demonstrated on the Proposed Site Plan and detailed within the Delivery and Servicing Plan submitted with the planning application, this store is of sufficient size to accommodate additional refuse and recycling bins and use the established collection method. No justification of why these details are inadequate or what further information the Council expects to be provided has been advanced. In any event, even if further information were required, I see no reason why such details could not have been agreed via the imposition of a condition imposed on the grant of planning permission. On this basis, I consider that the Council behaved unreasonably in this respect.

6. Although Policy SC5 of the Local Plan includes benchmark figures for the provision of external space, as I have concluded in my appeal decision, it does allow for some flexibility in the amount and balance of types of space within a development, commensurate with the size, use and character of the dwelling unit. Furthermore, it does not preclude the provision of contributions towards offsite provision, including upgrades to nearby areas of public open space. The site's location within a highly accessible area, close to a large park, coupled with the lack of external communal space for existing occupiers of Whitelocke House and the constrained nature of the site, the appeal scheme represents a situation where it would be appropriate to adopt a more flexible approach.
7. Notwithstanding the above, the Council's Statement of Case does not demonstrate why the financial contribution in this case would be unacceptable, particularly as it has been indicated that other residential developments nearby have recently been approved subject to such legal agreements and contributions. The Council have, therefore, adopted an inconsistent approach to the determination of applications within the Borough in this regard. I conclude this constitutes unreasonable behaviour.
8. Whilst the Council's Planning Committee is not bound to accept the advice or recommendations from their officers, the PPG encourages local planning authorities to properly exercise their development management responsibilities, including relying on reasons for refusal which stand up to scrutiny on the planning merits of a case. This has not occurred in this case and, as a result, the applicant has been given no choice but to submit this appeal.
9. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a full award of costs is therefore warranted.

Costs Order

10. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the Council of the London Borough of Hounslow shall pay to Mr Jacques Bingham and Mr Henry Hardy of Whitelocke House HL Limited, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
11. The applicant is now invited to submit to the Council of the London Borough of Hounslow, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Juliet Rogers

INSPECTOR