



Costs Decision

Site visit made on 12 May 2025

by **S Burch BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 June 2025

Costs application in relation to Appeal Ref: APP/F5540/D/25/3361355

181 Jersey Road, Isleworth, TW7 4QJ

- 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 Sanjay Kohli 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 demolition of the rear existing garden shed and erection of a rear outbuilding.
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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. Unreasonable behaviour on the part of a local planning authority may include it making vague, generalised or unsupported by any objective analysis, preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations, and not determining similar cases in a consistent manner.
4. Firstly, the applicant contends that the Council's conclusion is vague and inaccurate regarding the use of the proposed development and the impact on neighbouring properties and the character and appearance of the area. They argue that these conclusions are unsupported by objective analysis of the proposal and therefore are unreasonable.
5. They further state that in assessing the proposal, the Council have afforded significant weight to the guidance contained within Section 8 of Part A5 of the Character, Sustainability and Design Codes Supplementary Planning Document (SPD) which provides guidelines for residential extensions, including outbuildings.
6. The SPD states that *'The Council will refuse any application that proposes an independent residential unit or has been designed in a way that may facilitate future use in such a manner.'* It goes on to state that *'usually primary living accommodation, such as a bedroom, bathroom or kitchen would not be allowed.'*
7. The proposal includes a bathroom. Whilst the applicant has explained the reasons behind the inclusion of the bathroom, given the guidance set out above, it was not unreasonable of the Council to therefore conclude that the proposed outbuilding could be used as independent accommodation that does not maintain an incidental

relationship to the enjoyment of the house. Whilst I do not agree with the Council's position, given the guidance, it was not unreasonable for the Council to take this stance.

8. Following their logic that the outbuilding could be used as independent accommodation, it was concluded that the scheme would therefore impact the character and appearance of the area and the living conditions of neighbours. This was a matter of their planning judgement, based on the accommodation proposed. Again, whilst I do not agree with their position, it was not unreasonable for the Council to reach this conclusion.
9. The applicant explains that the Council did not consider case law in the determination of the application. However, the applicant's design and access statement did not cite any case law that the Council should consider in its determination of the application.
10. The applicant also contends that the Council acted unreasonably through failing to consider how planning conditions could have been used to enable development to proceed where it would otherwise have been unnecessary to refuse planning permission, by mitigating adverse effects.
11. In respect of the potential to impose a condition that would tie the occupancy of the annex to the main house, I accept that there are cases where such conditions can reasonably be applied. I have set out above that the Council exercised their judgment in respect of whether or not the proposal would represent an independent dwelling. Following their logic, a condition limiting the use of the proposed building as an annex would likely be unenforceable.
12. Consequently, although my appeal decision finds that the proposed use would be ancillary, I consider that the Council has not been unreasonable in firstly having reached a different view and secondly not pursuing the use of the suggested condition to limit its use to one that is ancillary, in circumstances where it could be considered unenforceable and therefore failing to meet one of the six tests required of planning conditions.

Conclusion

13. Based on my reasoning above, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. For the reasons set out, and having regard to all other matters raised, an award for costs is therefore not justified.

S Burch

INSPECTOR