
Costs Decision

Site visit made on 22 July 2025

by **K Lancaster BA (hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 August 2025

Costs application in relation to Appeal Ref: APP/F5540/H/25/3365100

Land at Boston Park Road, Enterprise Car & Van Rental, Brentford, TW8 9JF

- 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 Wildstone Estates Limited for a full award of costs against the Council of 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 the display of 2no. digital advertising displays.
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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 (the 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 appeal was made against non-determination of the planning application. The applicants consider that the failure of the Local Planning Authority (the LPA) to determine the planning application within a reasonable period represents both procedural and substantive unreasonable behaviour which has caused them to incur unnecessary and wasted expense in the appeal process.
4. The PPG explains that if it is clear that the local planning authority will fail to determine an application within the time limits, it should give the applicant a proper explanation. In any appeal against non-determination, the local planning authority should explain their reasons for not reaching a decision and why permission would not have been granted had the application been determined within the relevant period.
5. The application was submitted to the Council on the 17 December 2024 and validated on 24 December 2024, therefore the statutory deadline for determination was 18 February 2025. It is not disputed that the application was not determined within this timeframe. However, the evidence before me indicates that an extension of time was agreed until 7 March 2025, on the basis that the LPA were awaiting a consultation response from Highways England.
6. The applicant made multiple requests for updates including whether the LPA had any concerns regarding the proposal. However, it was not until 13 March 2025 that the Council responded to the applicant outlining that the application was to be

- recommended for refusal on principle grounds, and that no design changes would be requested.
7. The LPA offered the applicant the opportunity to withdraw the application or agree to a further extension of time to enable the refusal notice to be issued. The applicant did not wish to withdraw the application, providing comments in response to the LPA's position in an email dated 14 March 2025. No further correspondence was received by the applicant until 24 April 2025, again after the agreed extension of time had expired. In their response dated 25 April 2025, the applicant makes it clear that there was no agreement to a further extension of time. The appeal against non-determination was therefore lodged, with the applicant stating that they had no option but to submit an appeal.
 8. In response the LPA states that the applicant was made aware of their intention to refuse the application, with reasons given. Whilst the LPA do not dispute that the application was not determined within the eight-week period, they consider an extension of time until 2 May 2025 was agreed. On this basis, the LPA consider that they did engage with the applicant and did not behave unreasonably.
 9. Nonetheless, I understand the applicant's frustration at the delays in receiving communication from the LPA and the overall amount of time taken to assess the application. Therefore, I agree that this resulted in some degree of unreasonable behaviour during the consideration of the application on the part of the LPA. However, I have not been provided with any evidence that the behaviour of the LPA has resulted in wasted expense in relation to the applicant's appeal.
 10. Furthermore, the LPA first made the applicant aware of their recommendation to refuse the application in March 2025 and confirmed this in further communication on 24 April 2025. Therefore, based on this evidence it would be difficult for me to conclude that the appeal could have been avoided.
 11. For these reasons, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

K Lancaster

INSPECTOR