
Costs Decision

Inquiry held on 3 and 11 September 2025

Site visit made on 3 September 2025

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th October 2025

Costs application in relation to Appeal Ref: APP/F5540/X/25/3365277

The Firs Lodge, 289-291 Bath Road, Hounslow TW3 3DB

- The application is made under the Town and Country Planning Act 1990 (as amended) (the Act), sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by the Council of the London Borough of Hounslow for a full award of costs against Mrs Satinder Toor.
 - The inquiry was in connection with an appeal against the refusal to grant a certificate of lawful use or development (LDC) for a bed and breakfast (Firs Lodge).
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Decision

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

The submissions for the Council of the London Borough of Hounslow (the applicant) and Mrs Satinder Toor

2. The application was made in writing prior to the Inquiry. Mrs Toor's (the appellant) response was made in writing after the Inquiry closed. A written reply was submitted by the Council after the Inquiry closed. Neither party made any points orally at the Inquiry.

Reasons

3. 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.
4. The applicant contends that the appellant has behaved unreasonably by failing to co-operate and adhere to deadlines when providing information and the submission of a Statement of Common Ground (SoCG) and Core Document (CD) list; through the introduction of a significant and excessive amount of new and substantial evidence during the appeal; and by introducing a secondary critical period during the appeal process.
5. A draft SoCG is not required upon the submission of the appeal, but the start letter dated 8 May 2025 set out the expectation that both parties would engage, agree, and submit a SoCG by 19 June 2025. It was a joint responsibility to produce and submit the SoCG by that deadline. The start letter explained that the parties were to keep to the timetable set out in the letter and make sure that the relevant documents were sent within those deadlines so the appeal could be dealt with promptly and fairly.
6. A draft SoCG was sent to the Council by the appellant by, at the latest, 20 June 2025. The Council responded to that on 1 July 2025. The parties then had further

- exchanges about the SoCG on 10, 15, and 16 July 2025 after the Case Management Conference (CMC) on 8 July 2025. This ultimately led to the SoCG being submitted on 17 July 2025.
7. Neither party adhered to the deadline stated on the start letter. In fact, a draft SoCG was only shared and worked on after the deadline and after the CMC. That does not reflect well on either party given that the SoCG is a jointly prepared document. Nevertheless, the appellant did co-operate with the Council to produce the SoCG, as is evident from the exchanges back and forth between the two parties. Hence, despite the timeliness of the submission, the appellant has not acted unreasonably. Nor has the Council identified how it has caused unnecessary or wasted expense to be incurred as a result, particularly bearing in mind that they were an equal party to the SoCG.
 8. In response to matters raised at the CMC, I outlined the timetable for the submission of additional evidence and the alternative relevant period that the appellant was intending to base its case upon. This was to ensure openness, fairness, and transparency for everyone involved and so that the evidence could be responded to in the Proofs of Evidence (PoE). The appellant confirmed the relevant periods and submitted the additional evidence on 18 July 2025, as per the deadline set out at the CMC. Hence, the submissions were not late.
 9. The quantum of additional evidence submitted on this date was considerable, and it did no doubt cause extra work for the Council. That evidence was in addition to that which had been considered by the Council in determining the LDC. Appellants should be confident at the time they make their appeal that they have a clear case and do not need to rely on evidence that was not available to the Council when it made its decision. However, that is not the same as saying no additional evidence can be submitted. The appellant is also entitled to respond to the Council's decision. Hence, on balance, the appellant's actions, given that the information was submitted, for their part, on time, did not amount to unreasonable behaviour.
 10. It was, however, necessary to redact the additional information (such as personal or sensitive details) beyond that carried out by the appellant. Given the quantity of information, the additional information was belatedly shared with the Council on 28 July 2025. It is unfortunate that this was the case, but it is also equally important to ensure material is handled appropriately. Getting to that point took some time, but nevertheless, the Council was able to consider the information and submit its PoE as per the timetable. Hence, even if I were to consider that the appellant's actions insofar as not redacting the information as fully as it might have been, the Council has not incurred unnecessary or wasted expense, as the work undertaken was expected as part of the appeal process for which the parties normally meet their own expenses.
 11. Although the Council contends that much of the additional information is irrelevant and falls outside the two relevant periods, equally the appellant sought to rely on evidence that it considers to be relevant to its case. In doing so, the appellant sought to establish a chronology of events relating to the appeal property. The Council also accepted in cross-examination that several of the documents were relevant to the appeal rather than irrelevant. Therefore, the appellant has not acted unreasonably in submitting a range of information.
 12. At the CMC the appellant explained that it wished to rely on a second relevant ten-year period. That was confirmed in writing subsequently upon my direction, along

with the dates relating to each period. The appellant acted reasonably in bringing the matter to the Council's attention, having reviewed its case, and it allowed the Council to respond to the matter in its PoE in accordance with the timetable.

13. I asked the parties to prepare a list of CDs and submit the CDs electronically on the same day as their PoEs. This was so that everyone was working to the same document referencing system. The parties had a joint responsibility to prepare this list and submit the documents by the deadline. I understand that the appellant did not produce a CD list, but equally it was not just up to the appellant; the Council could have taken it on themselves to ensure that the CD list was submitted on time. The Council did so after the deadline, and the appellant should have been more proactive before the Council took it upon itself to do so. The appellant was unreasonable in that respect, but the Council has not been put to any unnecessary or wasted expense in the appeal process beyond what was expected even though the CD list and documents were submitted late.

Conclusion

14. Hence, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred. An award of costs is not warranted.

Andrew McGlone

INSPECTOR