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## Costs Decision

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2025

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### Costs application in relation to Appeal Ref: APP/F5540/X/24/3347397

#### 65 Park Close, Hounslow TW3 2HN

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
  - The application is made by Mr R Singh for a partial award of costs against the Council of the London Borough of Hounslow.
  - The appeal was against the refusal of an application for an LDC for erection of single storey outbuilding in the rear garden.
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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. At application stage the Appellant directed the Council, through his Agent, to the decision of an Inspector in an appeal against refusal by the Council of an application for an LDC for 'detached outbuilding to rear to be used as home gym, home working office, sauna room and garden tools store' at 28 Addison Avenue, Hounslow. The proposed uses of the outbuilding also included a WC, as it does in this case and the only reason for refusal of this application was the inclusion of a WC. The Council should therefore have paid heed to the findings of the Inspector in the previous appeal particularly as that appeal was successful despite the inclusion of a WC in the proposed outbuilding.
4. The previous Inspector found that "While the WC could be considered to be primary accommodation, in this context it is reasonable to provide a facility in association with the incidental use of the outbuilding". In their response to the Appellant's costs application the Council claims that "...the Inspector considered the WC to be primary use...". The Inspector did not consider the WC to be primary use but found that a WC could be considered to be primary accommodation (emphasis added).
5. If the Council did take the previous appeal decision into account then they misinterpreted its content and failed to take into account that, in that case, the Inspector granted an LDC despite the proposed outbuilding including a WC. Had the Council not misinterpreted the appeal decision and had they taken it properly into account then, given the distinct similarities between the two proposed outbuildings, they should have granted an LDC in this case. The PPG states that "Local planning authorities are at risk of an award of costs if they...unreasonably refuse planning applications"; examples of this include not determining similar cases in a consistent manner.

6. The Council did not consider the application in the light of the previous appeal decision and did not determine the application in a manner consistent with the determination of that appeal. If they had been consistent then they would have allowed the application and granted an LDC. The Council has acted unreasonably and the Appellant has incurred unnecessary expense in pursuing his appeal. In these circumstances the application for an award of costs succeeds and, given that the Appellant should not have had to submit an appeal, a full award of costs is justified.

### **Costs Order**

7. 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 R Singh, 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.

8. 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.

***John Braithwaite***

Inspector