



Costs Decision

Site visit made on 13 April 2026

by **G Robbie BA(Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 May 2026

Costs application in relation to Appeal A Ref: APP/F5540/X/24/3351479

33A Winchester Road, Hounslow, Feltham TW13 5JX

- The application is made under the Town and Country Planning Act 1990, sections 195, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr Andrew Alexander Vorobiev for a full award of costs against the Council of the London Borough of Hounslow.
- The inquiry was in connection with an appeal against the refusal of a certificate of lawful use or development for use as a separate two storey dwelling.

Decision

1. The application for an award of costs is allowed in part 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. The application (and subsequent appeal) to which this application for an award of costs relates is the second application for a certificate of lawful use or development (LDC) in respect of the use of the property known as 33A Winchester Road as a separate two storey dwelling. The property's lengthy planning history is set out in my appeal decision and it is not the intention to rehearse that history here.
4. It is however agreed between the parties that the two most recent LDC applications¹ were broadly similar in their content and scope. The Council helpfully and briefly summarise the extent of additional evidence submitted by the appellant in respect of the second of these LDC applications², that being the application (and appeal) to which this costs application relates.
5. Whilst the appellant could have exercised the right to appeal against the refusal of the first of these applications, a second application was instead submitted with the incorporation of additional evidence. The Council relied upon the same justification provided in respect of the first determination and this appeal subsequently followed.
6. My reasoning in respect of the two LDC appeals is set out in my decision on Appeals A and B. The Breach of Condition Notice (BCN) served in respect of conditions 2 and 6 of planning permission reference 01214/33/P6 remains extant (there is no right of appeal against a BCN issued under section 187A of the Town and Country Planning Act 1990 (as amended)) and its requirements in respect of those two conditions are clear.
7. Whilst there were attempts to address the BCN's requirements in respect of conditions 2 and 6 of that permission, at least in part, the BCN's requirements do

¹ LPA Ref No: P/2024/0221 (01214/33A/LAW2) and - the subject of this appeal - P/2024/1372 (01214/33A/LAW3)

² P/2024/1372 (01214/33A/LAW3)

not address the nature of the use or occupation of No. 33A. The matter for which the LDCs sought approval are not therefore contrary to, or in breach of, the requirements of the BCN.

8. The Council's rehearsal of its earlier refusal could have been reassessed but was instead repeated at the second time of asking which amounts to unreasonable behaviour on the part of the Council. That behaviour has resulted in the appellant incurring unnecessary expense arising from the pursuit of a second appeal, albeit that much of the evidence was common between these two appeals. Thus, the application for an award of costs succeeds in part, and only in relation to the costs incurred during the course of the second appeal arising from the preparation of evidence over and above that submitted with the first application.

Costs Order

9. 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 Andrew Alexander Vorobiev, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in the preparation of additional evidence submitted in respect of the second LDC application (this appeal); such costs to be assessed in the Senior Courts Costs Office if not agreed.

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.

G Robbie

INSPECTOR