
Costs Decision

Site visit made on 4 February 2020

by N Thomas MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2020

Costs application in relation to Appeal Ref: APP/E5900/C/19/3226285 Land at 118-120 Meridian Place, London E14 9FE

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Komoto Limited for a full award of costs against the Council of the London Borough of Tower Hamlets.
 - The appeal was against an enforcement notice alleging is the unauthorised material change in use without planning permission from a solely B1 office use into a mixed use of Class A2 professional advice services, B1 Offices and Class D1 educational use (Sui Generis).
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Decision

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

Reasons

2. 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 and wasted expense in the appeal process.
3. The appellant's costs claim is based on their argument that the Council has been fully aware of the current use, which is the authorised planning use. Paragraph 048 of the PPG¹ advises that local planning authorities must carry out adequate prior investigation in relation to enforcement action. They are at risk of an award of costs if it is concluded that an appeal could have been avoided by more diligent investigation that would have either avoided the need to serve the notice in the first place, or ensured that it was accurate.
4. Given that I have found that a breach of planning control has occurred, I do not agree that the Council failed to carry out sufficient investigation. While I have corrected the notice to delete the reference to specific use classes, this has not changed the substance of the breach that was identified by the Council.
5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is not justified.

N Thomas

INSPECTOR

¹ Paragraph: 048 Reference ID: 16-048-20140306 Revision date: 06 03 2014