



Costs Decisions

Site visit made on 10 November 2020

by M Madge DipTP, MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th December 2020

Costs applications in relation to Appeal Ref: APP/T5150/C/20/3245612 Flats 1 - 7, 249 Neasden Lane, London NW10 1QG

- The applications are made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - Application A is made by the Council of the London Borough of Brent for a full award of costs against Mr Shlomo Grosskopf.
 - Application B is made by Mr Shlomo Grosskopf for a full award off costs against the Council of the London Borough of Brent.
 - The appeal was against an enforcement notice alleging, without planning permission, the material change of use of the premises from 2 to 7 flats.
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Decisions

Application A

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

Application B

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

Reasons

3. The Planning Practice Guidance 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.

Application A

4. The applicant argues that correspondence from the appellant to the Council confirms the use of the premises as flats. The Council claim that appellant is best placed to know how the premises are occupied and the appellant has withheld or mis-represented evidence to undermine the applicant's case, pursuing the appeal when there was no realistic prospect of winning. This has put the applicant to unnecessary and wasted expense in the appeal process.
5. In response, the appellant claims the Council's case to be muddled, baseless and disingenuous with unfair motives. The submission of the appeal was therefore entirely reasonable.
6. In this case the appeal proceeded on grounds (b), (f) and (g), ground (a) having fallen away. Given I have found that the appeal succeeds to some extent on ground (b), the appellant did have a realistic prospect of winning the appeal and therefore acted reasonably in submitting the appeal.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Application B

8. The applicant has made a counter cost claim on the basis that the Council has sought to mislead by misrepresenting their evidence and changing their case during the appeal process. This has put the applicant to unnecessary and wasted expense in the appeal process.
9. The Council clarified their position on the discrepancies highlighted by the appellant. They also advise that it is unclear on what basis the applicant's claim for costs is being made.
10. I find the Council's case to be clearly set out and their position has remained consistent throughout the appeal process.
11. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

M Madge

INSPECTOR