



Costs Decision

Site visit made on 9 June 2021

by Paul Freer BA (Hons) LLM PhD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2021

Costs application in relation to Appeal Ref: APP/T5150/C/20/3245155 Land at Flats 1-6, 56 Tadworth Road, London NW2 7UD

- 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 Mr Solomaon Itzinger for a full award of 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 to a House in Multiple Occupation (HMO) and flats.
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Decision: the application is refused.

Reasons

1. The Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only 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. The Planning Practice Guidance indicates that one of the aims of the costs regime is to encourage all those involved in the appeal process to behave in a reasonable way and to follow good practice. The Planning Practice Guidance provides examples of unreasonable behaviour which may result in an award of costs against a local planning authority.
2. The essence of the appellant's application for costs is that it is premature for the local planning authority to make a cost application and criticise the evidence provided by the appellant before even having seen the appellant's statement of case. It is suggested that the aim of the local planning authority is clearly to create a smoke screen and muddy the waters in front of the Inspector. It is further contended that the case for the local planning authority attempts to confuse the appeal process by creating a blur to the true facts.
3. The appellant's application for costs is wholly without merit. There is no reference to any of the behaviours set out in the Planning Practice Guidance which may result in an award of costs against a local planning authority. It is simply a vexatious counter claim in response to the Council's own application for costs, and entirely lacking in foundation. No unreasonable behaviour on the part of the local planning authority has been shown and an award of costs is not justified.

Paul Freer

INSPECTOR