
Costs Decision

Site visit made on 27 July 2021

by L Perkins BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 September 2021

Costs application in relation to Appeal Ref: APP/X5210/C/20/3260569 Land at 327 West End Lane, London NW6 1RS

- 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 A Shiraz of Rozay for a full award of costs against the Council of the London Borough of Camden.
 - The appeal was against an enforcement notice alleging: Without planning permission: Installation of 2 x Jumbo Umbrellas to the front of the ground floor unit.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG)¹ 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 PPG² states that applications for costs should be made as soon as possible, and no later than 4 weeks after receiving notification of the withdrawal of the enforcement notice. Anyone making a late application for an award of costs outside of these timings will need to show good reason for having made the application late.
4. A substantial part of this costs application relates to an earlier enforcement notice³ with the same allegation and associated events. This earlier notice was withdrawn by the Council in September 2020. But that enforcement notice is not before me and, insofar as this costs application concerns the earlier enforcement notice (or events relating to it), there is no evidence that this costs application was made in time or that there is good reason for this application having been made late.
5. So I am not satisfied there are any grounds for costs being awarded in relation to the earlier enforcement notice or events relating to it, including the allegation that the enforcement officer requested thousands of pounds worth of works not relevant to the enforcement investigation (of which no evidence has been provided which satisfies me this is the case).

¹ Appeals – Paragraph: 028 Reference ID: 16-028-20140306

² Appeals – Paragraph: 035 Reference ID: 16-035-20161210

³ Issued 11 February 2020

6. The applicant states that the Council initially provided pre-application comments that they later contradicted. The applicant refers to these as a formal response that planning permission is not required for the jumbo umbrellas. But the means by which any person may ascertain whether an existing or proposed use or development is or would be lawful is for them to make an application under section 191 or 192 of the 1990 Act for a certificate of lawful use or development. An email from a Council officer does not serve the same purpose.
7. In any event, the email that I have been referred to, dated 15 January 2019, was accompanied by a suitable disclaimer. This made it clear that the email was an initial informal view of an officer, based on the information available, and that it would not be binding on the Council.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

L Perkins

INSPECTOR