The Planning Inspectorate

Costs Decision

Site visit made on 12 October 2021

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 November 2021

Costs application in relation to Appeal Ref: APP/T5150/C/20/3259221
64B Cranhurst Road, London NW2 4LP

- 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 Konstantinos Siotos 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 erection of a roof terrace and shed structure situated on top of the flat roofed outrigger to the rear of the premises.

Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.

3. The PPG is clear that there is a right of appeal and this is expressly reiterated in respect of enforcement notices. It continues by saying that the parties in appeals are normally expected to meet their own expenses. The PPG says costs may be awarded where a party has behaved unreasonably and it says unreasonable behaviour may be either procedural, relating to the process, or substantive, relating to the issues and examples are given.

4. The applicant’s application for costs relates to substantive matters and is made on the basis that had the Council, in drafting the enforcement notice, specifically referred to internal and external access steps, they consider that the appeal could have been avoided.

5. As is evident from my decision I found that the notice was not ambiguous, although I found favour with the applicant’s case regarding the requirements being excessive. In this respect whilst the Council’s approach to this requirement was flawed, their reasoning was rational, and I do not consider this amounted to unreasonable behaviour.

6. Additionally, it is evident from the applicant’s case that even had the Council specifically referred to the internal steps, this is a matter upon which they did not agree and therefore I cannot be certain that the appeal could have been avoided.

Conclusion

7. For the above reasons, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Felicity Thompson

INSPECTOR