The Planning Inspectorate

Costs Decision

Site visit made on 19 October 2021

by Stephen Brown MA(Cantab) DipArch RIBA

an Inspector appointed by the Secretary of State

Decision date: 16 December 2021

Costs application in relation to Appeal Ref: APP/T5150/C/20/3245604
39 Broadfield Close, London NW2 6NR

- 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 Yoshua Mozes for a full award of costs against the Council of the London Borough of Brent.
- The appeal was against an enforcement notice alleging the material change of use of the premises to a House in Multiple Occupation (HMO) and flats.

Decision

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

Reasons

2. I have determined this application in the context of the government's Planning Practice Guidance. This includes the advice 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 appellant says the Council have shifted back and forth in the appeal process. However, in my view they have presented coherent arguments concerning the definition of 'flats' and of HMOs. They do not say at any point that the GPDO definition is not relevant, but that the relevant and highly pertinent fact of this case is that the premises have been in a mixed use as a HMO and flats.

4. Nor do I consider the Council have disingenuously chosen their arguments in advance according what may be needed to succeed. They have, rather, presented a consistent case in presenting their evidence that there have been self-contained flat(s) in the premises, and that this - or these - may have existed since the conversion works were carried out. They reach a clear conclusion that an unauthorised mixed use has occurred.

5. Overall, I do not consider the Council raised unreasonable and baseless arguments or that the appeal was unnecessary. The appellant has not incurred unnecessary or wasted expense in bringing his appeal.

Conclusions

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

Stephen Brown

INSPECTOR