



Costs Decision

Site visit made on 16 March 2022

by Zoë Franks Solicitor

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 May 2022

Costs application in relation to Appeal Ref: APP/T5150/C/21/3270554 & 3270555

70 Grasmere Avenue, Wembley, HA9 8TQ

- 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 the Council of the London Borough of Brent for a full award of costs against Mrs Inderjit Roopra and Mr Harbans Singh.
 - The appeal was against an enforcement notice alleging the material change of use of the premises from a house to a house in multiple occupation, incorporating two self-contained flats and shared accommodation, and for the storage and deposit of waste and building materials and use as a builder's yard.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs can only be awarded where a party has behaved unreasonably and that unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The Council's costs application is on the basis that the appellants provided information that is manifestly inaccurate or untrue, and that they provided little evidence to support their case, but that the evidence provided was not precise and unambiguous.
4. The appellants did not provide a response to this application.
5. The case put by the appellants was wholly contradictory, for example they argued that the house had been used as an HMO for more than 10 years but also accepted that the property had contained 2 self-contained flats. The appellants were therefore unreasonable in appealing the enforcement notice as their own case was inconsistent with irreconcilable elements, and as a result the Council incurred the unnecessary expenses arising from the appeal.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a full award of costs is justified.

Costs Order

7. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Mrs Inderjit Roopra and Mr Harbans Singh shall pay to the Council of the London Borough of Brent, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
8. The applicant is now invited to submit to the Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Zoë Franks

INSPECTOR