



Costs Decision

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2022

**Costs application in relation to Appeal Ref: APP/T5150/C/20/3245151
762 North Circular Road, London NW2 7TD**

- 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 Joseph Levison for a full award of costs against the London Borough of Brent.
 - The appeal was against an enforcement notice alleging the material change of use of the premises to flats.
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Decision

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

Reasons

2. National Planning Practice Guidance (NPPG) 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.
3. The Appellant has not indicated whether the application for an award of costs is made on a substantive or procedural basis, or both. It is, furthermore, confused, and is therefore confusing. The principal claim made, it is assumed, is that "...the LPA state that in April 2017, the premises appears to have been in use as an HMO". The LPA has stated in the appeal statement that the appeal premises were visited on 25 April 2017 and that "...the property appeared to be a 6 room HMO". But this statement is under the heading 'Relevant History' and the LPA clearly didn't pursue what 'appeared' to be the use on that day because they ultimately issued an enforcement notice alleging a change of use to flats.
4. The Council has consistently maintained, throughout the appeal process, that the change of use of the property is to flats. They have not sought to suggest that at some time the property, since it was purchased by the Appellant in May 2015, was in use as an HMO. Neither this matter nor any other matter mentioned in support of the application indicates that the Council has acted or behaved unreasonably. The application for an award of costs thus fails.

John Braithwaite

Inspector