
Costs Decisions

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an Inspector appointed by the Secretary of State

Decision date: 27 July 2022

**Costs applications in relation to Appeal Ref: APP/T5150/C/20/3245152
824 North Circular Road, London NW2 7TD**

- The applications are 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 applications are made by the London Borough of Brent for an award of costs against Mr A S Chaim Singer and by Mr Singer against the London Borough of Brent.
 - The appeal was against an enforcement notice alleging the material change of use to a House in Multiple Occupation (HMO) and flats.
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Decision

1. The applications for awards of costs are 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.

The application by the Council against the Appellant

3. The Council has stated that "The Appellant knows better than anyone the history of use of the appeal premises and...has documented much of the history through formal submission to the Council and other agencies. It is unreasonable to pursue an appeal that contradicts these contemporaneous submissions". They have not, however, indicated who these 'other agencies' are, what were the 'contemporaneous submissions', or how these have been contradicted. Otherwise, the Council maintains that the appeal was bound to fail but this comment is made in relation to the ground (a) appeal. On the basis of the evidence submitted the Appellant had good reason to suppose that one of the legal grounds made could be successful and the Appellant is entitled to test whether planning permission could be granted for what is alleged in the notice. The application for costs thus fails.

The application by the Appellant against the Council

4. The application was made in response to that made by the Council but was not accompanied by any details of how the Council had behaved unreasonably and what unnecessary expense had been incurred. The Appellant's Agent, who had made the application, was asked in an email to provide the necessary details but failed to respond. The application for costs thus fails.

John Braithwaite Inspector