



Costs Decisions

Site visit made on 10 October 2023

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04th December 2023

Costs application in relation to Appeal A Ref: APP/X5210/C/23/3323920 Land at 94 Camden Road, London NW1 9EA

- 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 T & S Sestili & Cuppari for a full award of costs against the Council of the London Borough of Camden.
 - The appeal was against the Council's decision to issue an enforcement notice in relation to the installation of retractable awning and the erection of a timber enclosure and planters to forecourt and introduction of a ramped access to the front entrance.
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Costs application in relation to Appeal B Ref: APP/X5210/W/22/3312493 94 Camden Road, London NW1 9EA

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr T & S Sestili & Cuppari for a full award of costs against the Council of the London Borough of Camden.
 - The appeal was against the refusal of planning permission for alterations to existing shopfront to include installation of retractable awning, placing of tables and chairs within a 1m high timber enclosure and introduction of a ramped access to the front entrance.
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Decisions

1. The applications for awards of costs are refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance advises that costs may 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. It is claimed that the Council acted unreasonably in unfairly refusing the planning application the subject of Appeal B, and then issuing the enforcement notice the subject of Appeal A because the development was policy compliant and acceptable in principle, and because it had been in place since 2017 and could benefit from being 'permitted development'. It is claimed the Council's actions were inconsistent and led to the applicants experiencing stress, anxiety, and depression, and wasted time and expense in the appeal processes.
4. I have found that the developments the subject of both Appeal A and Appeal B are not policy compliant and that the Council was justified in refusing the planning application the subject of Appeal B and in issuing the enforcement notice the subject of Appeal A. I have also found, in the appeal under ground (c) in Appeal A, that the development is in breach of planning control.

5. I am entirely unconvinced by the applicants' submissions that the Council has displayed any unreasonable behaviour in Appeal A or Appeal B.
6. Therefore, unreasonable behaviour resulting in the applicants incurring unnecessary or wasted expense in the appeal process in Appeal A and Appeal B has not occurred and an award of costs is not warranted in either case.

L Douglas

INSPECTOR