



Costs Decision

Site visit made on 20 May 2024

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th July 2024

**Costs application in relation to Appeal Ref: APP/A5840/C/22/3307562
Enclosed Land on the south side of Rothsay Street, West of No 3 Rothsay Street, and east of the publically accessible garden used as a refuse storage, Rothsay Street, London SE1 4UH**

- 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 Alil Industrial Limited for a partial or full award of costs against the Council of the London Borough of Southwark Council.
 - The appeal was against an enforcement notice alleging breach of condition 3 of planning permission 06/AP/1116.
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Decision

1. The application for an award of costs is 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. The applicant considers the Council have acted unreasonably by not withdrawing the enforcement notice following a claim for trespass and damages being successful and an appeal against an abatement notice being successful.
4. Whilst I had regard to the trespass claim and abatement notice, my Decision was made independent of these based on all the evidence submitted with the planning appeal. As can be seen from my Decision, I have found that the appeal has succeeded. Nevertheless, the Council defended their position and produced evidence to substantiate the reasons for issuing the enforcement notice. The Council have therefore not acted unreasonably in this regard.
5. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Chris Baxter

INSPECTOR