



Costs Decision

Site visit made on 17 June 2024

by V Bond LLB (Hons) Solicitor (Non-Practising)

an Inspector appointed by the Secretary of State

Decision date: 26TH JULY 2024

Costs application in relation to Appeal Ref: APP/G5750/C/22/3312843 6 Dormer Close, Stratford, LONDON, E15 4LQ

- 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 Newham for a full award of costs against Mr Helal Ali.
 - The appeal was against an enforcement notice alleging Without planning permission the material change of use to two self-contained flats.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) 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 Council alleges that a planning appeal has recently been dismissed for the 'same development, on the same land'¹ and that the policy context has not changed since the above decisions were made and the appellant has provided no justification or rationale as to why the appeal should be permitted on this occasion.
4. In my view, whilst the development in this appeal is not identical to that in the 2022 Appeal, the two are very similar, with a number of the same issues arising. As such, in the absence of any substantive rationale being provided by the appellant as to why the present appeal development should be considered differently, this represents an unreasonable exercise of the appellant's right to appeal, which has resulted in wasted expense for the Council in defending the appeal. Thus, 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.

¹ APP/G5750/W/21/3285139

Costs Order

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 Mr Helal Ali shall pay to Council of the London Borough of Newham, 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.

The applicant is now invited to submit to Mr Helal Ali, to whose agents a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

V Bond
INSPECTOR