



Costs Decision

by Ms S Watson BA(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2024

Costs application in relation to Appeal A Ref: APP/T5150/X/23/3318744 2 Brentfield Close, Brent, London, NW10 0QJ

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Abraham Spitzer for a full award of costs against the Council of the London Borough of Brent.
 - The appeal was against the refusal of a certificate of lawful use or development for a C4 house in multiple occupation.
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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 (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 applicant contends that the Council has ignored his evidence.
4. On the contrary, it is the applicant who has ignored evidence. The applicant's case rested on there being a lawful C3 use that he had reverted back to which he then claimed gave him permitted development rights for a change of use to C4.
5. The appeal site is subject to an enforcement notice (EN). The EN was upheld on appeal before the applicant applied for Lawful Development Certificates. The previous inspector, in his appeal decision held that there was no lawful C3 use that the dwelling could revert to. He gave a clear and detailed explanation about this.
6. The applicant has ignored the appeal decision and has persisted in pursuing the case that a C3 use was lawful.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, the applicant's claim for costs fails.

Ms Watson

INSPECTOR