



Costs Decision

Site visit made on 6 January 2025

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2025

Costs application in relation to Appeal Ref: APP/G5750/C/23/3316425

92A Osborne Road, Forest Gate, London E7 0PL

- 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 Ms Shehnaz Abdul Karim .
 - The appeal was against an enforcement notice alleging without planning permission, the installation of uPVC windows within the front elevation of the property.
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Decision

1. The application for an award of costs is refused.

Reasons

2. 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. An application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
3. The PPG confirms that the aim of the costs regime is, amongst other things, to encourage all involved in the appeal process to behave in a reasonable way and follow good practice, both in terms of timeliness and in the presentation of full and detailed evidence to support their case. An appellant is at risk of an award of costs being made against them if the appeal or ground of appeal had no reasonable prospect of succeeding.
4. The Council state that the appellant has failed to substantiate their appeal on ground (a) and that there has been no policy assessment. It is also stated that the appellant has not provided any evidence to support their ground (g) appeal. As such, the Council claim that this has resulted in unreasonable behaviour and wasted expense for the Council dealing with this appeal.
5. It was before the appellant to consider on which grounds to appeal. The appellant is not professionally represented. Therefore, the appellant is unlikely to be fully aware of the planning legislation and the enforcement appeal process, with particular regard to the various grounds of appeal, and the information required to support each ground.

6. Indeed, the appellant's statement includes reasons why they considered the installed windows were appropriate, in order to overcome the issues arising from the former rotten timber windows. Therefore, the appellant's ground (a) appeal is not quite unsubstantiated. Furthermore, it will be seen from my decision that the ground (g) appeal succeeds. Therefore, I am satisfied that the appellant has not acted unreasonably.
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 Council's claim for costs fails.

R Satheesan

INSPECTOR