



Costs Decision

by Thomas Shields DipURP MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 March 2025

Costs application in relation to Appeal Ref: APP/K5600/X/23/3322693 17 South End, London, W8 5BU

- 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 Royal Borough of Kensington and Chelsea for a full award of costs against Mrs Zipporah Lisle-Mainwaring.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for a lawful development certificate (LDC).
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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. An application form for costs was submitted by the Council but did not contain any detailed reasons as to why an award should be made. However, I note in the Council's final comments in the related appeal they suggest that costs would be justified on the basis that the appellant was unreasonable in not agreeing to an extension of time for the application to be determined, and lodging the appeal one day after the expiry of the date for determination. Allowing the Council to determine the application, it is argued, would have avoided the need for the appeal and associated costs incurred.
4. Had the application for costs included the above reasoning it would have failed. The Act itself at s195(1)(b) provides that an appellant is entitled to lodge an appeal against non-determination once the statutory period for determination has expired. There is no requirement for an appellant to agree to an extension of time. As such, an appeal lodged in accordance with the statutory provisions cannot amount to unreasonable behaviour.
5. Unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated and an award of costs is not warranted.

Thomas Shields

INSPECTOR