
Costs Decision

Site visit made on 29 April 2025

by Timothy C King BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 May 2025

Costs application in relation to Appeal Ref: APP/A5270/C/23/3322061 Sundarban, 4-5 The Parade, Sudbury Heights Avenue, Greenford UB6 0LZ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by the London Borough of Ealing for a full award of costs against Mr Abdur Rouff.
 - The appeal was against the Council's decision to issue an enforcement notice against the alleged unauthorised erection of a shed on the flat roof of the property's single storey rear extension.
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Decision

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

Reasons

2. Paragraph 030 of the Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The applicant here considers that Mr Rouff's appeal was without basis in the face of aerial photographic evidence which demonstrates that the said shed was not in situ on 12 April 2019 – four years prior to the enforcement notice's issue – as was required to claim immunity from planning control. Further, the applicant highlights that the appeal form indicates that Mr Rouff had an agent who was contacted via e-mail at the start of the appeal process whereby the applicant warned that, as there no reasonable basis for the appeal, an award of costs would be sought.
4. It appears that no response was received. Indeed, save for the appeal form submitted at the outset, along with a copy of an invoice that has its date obscured, no evidence as to the immunity from planning control claimed has been advanced.
5. If Mr Rouff had not been represented then I could perhaps sympathise with his position given the need for representations to meet the legislative requirements. However, as he had instructed an agent, it was open to him to advise and perhaps submit an appeal under ground (a) whereby a deemed planning application would have been made for assessment on merits and impacts. The fact that, save for the unconvincing ground (d) appeal, no other grounds were advanced effectively meant that the submission had little substance and, on the basis that the onus is on the appellant to demonstrate

his case with precise and unambiguous evidence, the essence of the appeal was less than justifiable in the form presented.

6. Accordingly, I must conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described by the PPG, has been demonstrated and that a full award of costs is justified in the circumstances.

Costs Order

7. 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 Abdur Rouff shall pay to the London Borough of Ealing 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 Abdur Rouff, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Timothy C King

INSPECTOR