



Costs Decision

By A U Ghafoor BSc (Hons) MA MRTPI ACMI fCMgr

an Inspector appointed by the Secretary of State

Decision date: 27th May 2025

Costs application in relation to Appeal Ref: APP/G5750/C/23/3319475

29 Ernald Avenue London E6 3AL

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 195, 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 and Mrs Geeta and Mahendra Limani.
- The appeal was in connection with an appeal against an enforcement notice alleging the material change of use to a Use Class C4 house in multiple occupation (HMO).

Decision

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

Reasons

2. The Planning Practice Guidance advises that the right of appeal should be exercised in a reasonable manner. An appellant is at risk of an award of costs being made against them if a ground of appeal had no reasonable prospect of succeeding. My Decision explains why grounds (d) and (g) failed, but a reasonable argument was advanced. I am, however, concerned about ground (c).
3. The respondents claimed the enforcement notice was flawed but did not provide cogent reasons as to why the alleged matter did not constitute a breach of planning controls. The supporting arguments were woefully inadequate. To my mind, the respondents failed to substantiate this specific ground of appeal. That said, I do not consider the shortcomings resulted in unnecessary or wasted expense.
4. The applicant carried out proper prior investigations by serving a contravention notice. It also published a detailed expediency report which provides sufficient level of information as to why the authority considered a breach of planning control occurred. The report covers the effect of the Article 4 Direction, which came into force on 31 July 2013, and explains why the alleged matter constitutes a breach of planning control. It seems to me that the applicant relied upon its own delegated report throughout the appeal process. However, the selection of ground (c) appears not to have generated additional work post submission of the appeal, because there is no detailed explanation as to what required more effort or time to defend the authority's stance.
5. I therefore find that, whilst the respondents' pursuance of ground (c) was unreasonable because they failed to substantiate that specific challenge, the applicant has not shown how this behaviour resulted in unnecessary or wasted expense as described in the PPG. It has not been demonstrated that an award of costs, full or partial, is justified in the circumstances.

A U Ghafoor

INSPECTOR