



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/T5150/C/23/3321563

27 Pembroke Road Wembley HA9 7PD

- 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 Brent for a full award of costs against Sentinel Estates Ltd.
 - The appeal was in connection with an appeal against an enforcement notice alleging material change of use of the premises from two flats to a House in Multiple Occupation (HMO).
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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 the has been determined in favour of the applicant bar ground (g).
3. The applicant explains that the respondent failed to engage or discuss the appeal. For example, the previous use of the property was unknown, and an Inspector also observed absence of specific detail when determining an appeal against the first enforcement notice. An application to the authority for a lawful development certificate was also refused and again the absence of detail about the previous use was a concern.
4. Resistance to, or lack of co-operation with the other party in providing information or discussing the appeal can amount to procedural unreasonableness. However, my Decision on ground (c) explains why the respondent's case fails. The reasons given are based on the evidence presented by both parties: the previous use of the property was in the bundle submitted by the applicant authority itself.
5. In a similar vein, the respondent submitted sufficient information and argument substantiating all the grounds of challenge. The applicant disagreed but its approach to established principles in case law was also incorrect. In the ground (a) appeal, while I disagreed with the respondent's case, they made sufficient arguments in favour of the deemed application.
6. I therefore find that; the applicant has not demonstrated that the respondent's right to an appeal against the enforcement notice amounts to unreasonable behaviour resulting 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