



Planning Inspectorate

Costs & Decisions Team

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Ramesh Depala
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London Borough of Camden Council

Your Ref:

Our Ref: APP/X5210/C/24/3355424

BY EMAIL ONLY

Date: 13 August 2025

Dear Sir

**LOCAL GOVERNMENT ACT 1972 - SECTION 250(5)
TOWN AND COUNTRY PLANNING ACT 1990 – SECTIONS 174 & 322
LAND AT 36 PANDORA ROAD, LONDON, NW6 1TT
APPEAL BY VENETIAN STAR LTD: APPLICATION FOR COSTS**

1. I am directed by the Secretary of State for Housing, Communities and Local Government to refer to the Planning Inspector's decision of 7 March 2025 dismissing the appeal against the enforcement notice issued by the London Borough of Camden Council on 9 October 2024. The notice alleged a breach of planning control at the above-named property, namely;

"Without planning permission, the change of use from 16 residential units to use as temporary sleeping accommodation."

2. This letter deals with the Council's application for a full award of costs against the appellants as made in correspondence of 14 March 2025. The costs application was sent to the appellants representatives, Ronald Fletcher & Co LLP, on 18 March 2025. They replied stating that although they had provided the appellants with the costs application, no response was received. The costs application is therefore uncontested.

Summary of decision

3. The formal decision and costs order is set out in paragraphs 11 and 12 below. The costs application succeeds and full award of costs is being made.

Basis for determining the costs application

4. In planning and enforcement appeals, the parties are normally expected to meet their own expenses, irrespective of the outcome. Costs are awarded only on the grounds of "unreasonable" behaviour, resulting in unnecessary or wasted expense.

5. Section 322 of the Town and Country Planning Act 1990 enables the Secretary of State to award appeal costs against any party, irrespective of procedural method, where it is found that one of the parties to the appeal has behaved unreasonably and the expense incurred by any of the other parties is wasted as a result.

6. The costs application has been considered in the light of the costs guidance in the Government's Planning Practice Guidance (PPG), the appeal papers, the costs application and all the relevant circumstances.

Conclusions

7. The Council contends that the appellants acted unreasonably by failing to submit a statement of case in accordance with the repeated directions of the Planning Inspectorate, causing the appointed Planning Inspector to exercise his powers under S176(6) of the 1990 Act (as amended) to dismiss the appeal and uphold the Council's enforcement notice¹. The appellants had not provided any good reason for their failure to miss the three separate deadlines set by the Inspectorate. The appellants' unreasonable conduct had therefore resulted in the Council incurring wasted expense in the appeal process.

8. Paragraph 052 of the PPG specifically warns that appellants are at risk of an award of costs if they fail to comply with the requirements and deadlines of the appeal process. The PPG also advises that delay in providing information or another failure to adhere to deadlines may constitute unreasonable behaviour. This is exactly the scenario here.

9. Having considered the available evidence, and having particular regard to the Inspector's reasoning (in his appeal decision) to support the conclusion that the appeal be dismissed in accordance with S176(6) of the 1990 Act (as amended), the Secretary of State finds it difficult to escape the conclusion that the appellants acted unreasonably in failing to pursue the appeal in a reasonable manner. The result of the appellants' actions was to cause the Council to incur unnecessary expense in connection with the appeal. A full award of costs will therefore be made.

10. For the avoidance of doubt, the Secretary of State does not decide the amount of costs payable. This is for the parties' agreement or, if necessary, via application for a detailed assessment in the Senior Courts Costs Office.

FORMAL DECISION

11. For these reasons, it is concluded that a full award of costs against the appellants, on grounds of "unreasonable" behaviour resulting in unnecessary or wasted expense, is justified in the particular circumstances.

COSTS ORDER

12. Accordingly, the Secretary of State for Housing, Communities and Local Government in exercise of her powers under section 250(5) of the Local Government Act 1972, and sections 174 and 322 of the Town and Country Planning Act 1990, and all other powers enabling her in that behalf, **HEREBY ORDERS** that Venetian Star Limited shall pay to the London Borough of Camden Council their costs of the appeal

¹ Section 176(6) of the Town and Country Planning Act 1990 (as amended) allows an Inspector on behalf of the Secretary of State to:

"(a) give the appellant notice that the appeal will be dismissed unless the appellant takes, within the period specified in the notice, such steps as are so specified for the expedition of the appeal, and (b) if the appellant fails to take those steps within that period, dismiss the appeal accordingly."

proceedings before the Secretary of State; such costs to be assessed in the Senior Courts Costs Office if not agreed. The proceedings concerned an appeal by Venetian Star Limited against an enforcement notice more particularly described in paragraph 1 of this letter.

13. The Council are now invited to submit to the appellants details of those costs with a view to reaching agreement on the amount. A copy of this decision letter has been sent to them.

Yours faithfully

S Parsons

STEVE PARSONS

Authorised by the Secretary of State
to sign in that behalf