



Costs Decision

Site visit made on 11 September 2025

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2025

Costs application in relation to Appeal Ref: APP/X5210/W/25/3367508 267 Eversholt Street, Camden, London NW1 1BA

- 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 Mr H Yaman (Yard Spin Ltd) for a partial award of costs against the Council of the London Borough of Camden.
 - The appeal was against the refusal of planning permission for change of use of basement and the rear part of the ground floor from Class E into short-term letting accommodation (5 units).
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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. In this case, the applicant asserts that unnecessary or wasted expense has been incurred because of the time they have spent defending their position that a planning obligation under Section 106 of the Town and Country Planning Act 1990 (a S106 agreement), to secure the proposed development as a car-free development, is unnecessary.
4. The third main issue of my appeal decision addresses whether the proposed development would be secured as a car-free development and the implications of this on parking. In that main issue, I identify a S106 agreement as the appropriate mechanism to secure the proposed development as a car-free development. I also identify that an appropriately drafted and completed S106 agreement would meet the tests for planning obligations set out at paragraph 58 of the National Planning Policy Framework and Regulation 122 of the CIL Regulations.
5. In the absence of such an agreement, no satisfactory mechanism is in place to ensure that the short-term letting accommodation proposed would be ineligible for parking permits. As such, parking permits could be obtained by prospective occupants which would, in turn, result in an increase in demand for on-street parking and an increase in parking stress within the area which would be harmful and unacceptable in highway safety terms. For these reasons, the proposal conflicts with CLP Policy T2.
6. Given these findings, the Council's reason for refusal concerned with these matters has been substantiated, and its objections to the proposal on these grounds have not been vague, generalised or inaccurate.

7. Furthermore, I am mindful that the PPG advises that where a local planning authority has refused a planning application for a proposal that is not in accordance with the development plan policy, and no material considerations including national policy indicate that planning permission should have been granted, there should generally be no grounds for an award of costs for unreasonable refusal of an application. It can be seen from my appeal decision that these very circumstances apply in this case.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred, and an award of costs is not warranted.

H Jones

INSPECTOR