
Costs Decision

Site visit made on 15 July 2025

by **C Rafferty LLB(Hons), Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 08 October 2025

Costs application in relation to Appeal Ref: APP/X5990/C/24/3351656 Ground Floor, 107 Edgware Road, London W2 2HX

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by the City of Westminster Council for a partial award of costs against Ms Helen Gordon.
 - The appeal was against an enforcement notice alleging without the requisite planning permission and within the last 4 years, the installation of an external side partition screen
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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. The applicant alleges that the respondent has acted unreasonably by making a late ground (c) submission, with no substantive evidence to support it, and in full knowledge that the works constituted development for which planning permission is required. The applicant states that responding to this ground (c) appeal required four hours of officer time and seeks costs to this amount.
4. The appeal was initially submitted on grounds (a) and (f) only. However, I identified that arguments raised in the appeal submissions amounted to a hidden ground (c) case and requested confirmation from the respondent as to whether the appeal should also proceed on these grounds. The respondent stated that the appeal was also to proceed on ground (c) and the applicant was provided with the opportunity to comment. No additional information was submitted by the respondent on the ground (c) case at this time.
5. While the applicant states that the respondent should have known that the ground (c) appeal had no merit due to the outcome of previous applications, each case is decided on its own circumstances. This appeal is separate from previous applications and, given that the applicant was provided with the opportunity to comment and had full sight of all information on which the ground (c) case was proceeding, it was not unreasonable for the respondent to proceed with this ground at this stage. While the appellant's evidence may have been limited, it remains that on the basis of the commentary submitted, a ground (c) case was identifiable. It is regrettable that the case law cited by the appellant was of limited relevance, but it was not unreasonable for the appellant to attempt to present their case.

6. In conclusion, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

C Rafferty

INSPECTOR