
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 Ms Helen Gordon for a full or partial award of costs against City of Westminster Council.
 - 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 Council has acted unreasonably by incorrectly describing the forecourt at the site as public highway. However, the allegation in the enforcement notice does not relate to the use of the forecourt at the appeal site. It relates to the installation of the side partition. I note the case law referred to by the applicant in their costs evidence but, as can be seen from my appeal decision, I find that this constitutes development for which there is no planning permission, such that the Council did not act unreasonably in taking enforcement action.
4. One of the reasons for taking enforcement action related to the alleged obstruction of the public highway. The applicant states that the appeal site is private land, and that this was known to the Council. However, no substantive evidence refutes that the land to the side of the forecourt remains public highway and thus capable of obstruction by the development.
5. Although it can be seen from my decision that I ultimately reached a different conclusion to the Council on whether such obstruction resulted in planning harm, it was not an unreasonable argument for the Council to make, which it did so clearly and with reference to planning policy. Even if the Council did err in describing the status of the forecourt, the reason for issue relating to obstruction of the highway would therefore still have stood such that no unnecessary expense was incurred.
6. Another reason for issuing the enforcement notice related to the effect of the development on the character and appearance of the area. I agreed with the Council that such harm has arisen, and therefore do not agree with the stance of

the applicant that the Council failed to demonstrate planning harm to justify the enforcement notice.

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

C Rafferty

INSPECTOR