



Costs Decision

by John Braithwaite BSc(Arch) BA(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2025

Costs application in relation to Appeal Ref: APP/E5900/C/24/3350273

3 Landons Close, London E14 9QQ

- 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 the Council of the London Borough of Tower Hamlets for a full award of costs against Ms Magdalena Skinner.
 - The appeal was against an enforcement notice alleging the material change of use of the property to a HMO.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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 lawfulness of the use of the appeal property as a HMO has been considered twice before at appeal; firstly, in a decision dated 9 January 2024 against refusal of a lawful development certificate (LDC) for a 'HMO (C4)' and, secondly, in a decision dated 11 July 2024 against refusal of an LDC for 'use of No. 3 Landons Close as being a (C4) HMO'. In both LDC applications and in both appeals the Appellant was relying on a tenancy agreement dated 23 October 2020, for the period 4 November 2020 to 3 November 2021. In the appeal decisions the Inspectors found that the tenancy agreement did not justify a conclusion that the appeal property was converted to a HMO before a Direction made under Article 4(1) of the GPDO, which removed the permitted development right conferred by Class L(b) of Part 3 of Schedule 2, came into force on 1 January 2021.
4. Once again, in the appeal to which this application relates, the Appellant is relying on the same tenancy agreement and is putting forward the same argument that was put in the previous two appeals. The appeal was, given the two previous unsuccessful appeals, bound to fail. The Appellant has acted unreasonably in persisting with an appeal against the enforcement notice and the Council has incurred unnecessary and wasted expense in defending issue of the notice. In these circumstances a full award of costs against the Appellant is justified.

Costs Order

5. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Ms Magdalena Skinner

shall pay to the Council of the London Borough of Tower Hamlets, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.

6. The applicant is now invited to submit to Ms Magdalena Skinner, to whose agents a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

John Braithwaite

Inspector