
Costs Decision

Site visit made on 12 March 2025

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2025

Costs application in relation to Appeal Ref: APP/T5150/W/24/3354174 15 Aberdeen Road, London NW10 1LS

- 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 Ms Jade Watts for a full award of costs against the Council of the London Borough of Brent.
 - The appeal was against the refusal of planning permission for is demolition of buildings to the rear of 15 Aberdeen Road and the erection of a two storey three bedroom house. The proposed development makes use of land currently occupied by two former garages which have acquired lawful use as dwelling houses. The removal of the ugly former garage buildings and the modest scale and harmonious form and detailing of the proposed house will maintain and enhance the established residential/suburban character of the area.
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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. The PPG states that awards may be either procedural in regard to behaviour in relation to completing the appeal process or substantive, which relates to the planning merits of the appeal.
3. The application for costs was made after the deadline. However, information from the Council was late and the applicant was given time to comment. The application for costs was made within this extended time period.
4. The applicant alleges that the Council has acted unreasonably on procedural matters in that it did not respond to requests for key information in line with the appeal timetable and deliberately concealed relevant evidence by not submitting a list of suggested conditions.
5. The Council completed the Appeal Questionnaire on 20th November 2024 within the timeframe stipulated in the Appeal Start Letter (22nd November 2024). A copy of the Questionnaire was sent to the appellant on 28th February 2025. And a copy of all documents submitted with the appeal questionnaire was sent to the appellant on 7th March 2025. There was a delay in sending a copy of the questionnaire and other documents to the applicant.
6. In addition, the applicant submits that the Council acted unreasonably as it failed to provide a suggested list of conditions. However, the Council is not obliged to

provide a list of conditions. In this case, the Council states that any conditions would be similar to those attached to the previous permission on the site.

7. Whilst I accept that the delay in receiving the appeal information from the Council which should have been sent to the application is unreasonable behaviour and has caused inconvenience, I do not consider that in this instance it led to additional costs. Assessment of the interested parties' comments would have been a necessary part of the appeal process and in any event was sent to the Inspector as part of the final comments.
8. Consequently, the matter was one of a fundamental disagreement between the parties which could have only been resolved by way of an appeal. As such unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, an award of costs is not justified.

H Senior

INSPECTOR