
Costs Decision

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

an Inspector appointed by the Secretary of State

Decision date: 27 October 2025

Costs application in relation to Appeal Ref: APP/Y0435/C/24/3356055

68 Dexter Avenue, Oldbrook, Milton Keynes MK6 2QH

- 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 Milton Keynes Council for a full award of costs against Ms Komal Gohil.
 - The appeal was against an enforcement notice alleging the material change of use (MCU) from a private dwellinghouse to a commercial short term let/Airbnb
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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 Council has referred to the Appellant's lack of response to any communications they sent to her before the date of issue of the enforcement notice. But the PPG is clear, as mentioned above, that costs may be awarded against a party who has behaved unreasonably during the appeal process. This is particularly pertinent in an enforcement appeal where there has not been a planning application stage during which an Appellant must show that they have engaged with that process.
4. The enforcement notice is dated 24 October 2024. Four weeks later, in an email to the Council dated 21 November 2024, the Appellant stated that "I have begun requesting those booking websites (VRBO, Silver Door, hotel.co.au, etc) to remove our property from their websites...". The booking sites are those that advertise properties for short-term letting purposes and the Appellant's statement was an admission that this use of the appeal property was occurring at the time the notice was issued.
5. Yet, on 22 November 2024, the Appellant submitted her appeal under ground (b); that the alleged breach of planning control had not occurred. Given her own admission this was unreasonable because, on the basis of her own evidence, the appeal was bound to fail. The Council has incurred wasted expense in defending an enforcement notice against an appeal that could not succeed.
6. The application succeeds and an award of costs is justified, limited to those costs incurred by the Council in defending the ground (b) appeal.

Costs Order

7. 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 Komal Gohil shall pay to Milton Keynes Council, 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.

8. The applicant is now invited to submit to Ms Komal Gohil, to whom 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