



Costs Decision

Site visit made on 27 October 2025

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 4th November 2025

Costs application by the Appellant in relation to Appeals Ref:

APP/Y5420/F/23/3333629

2 Bruce Grove, LONDON, N17 6RA, 3333630 3 Bruce Grove and 3333631 4 Bruce Grove.

- The applications are made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 39, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The applications are made by Mr Kaleem Ahmed for a full award of costs against the Council of the London Borough of Haringey.
 - The appeal was against a listed building enforcement notice alleging the installation to shopfront of a Grade II listed building and the erection of a front extension in a Grade II listed building's curtilage.
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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 appellant has provided a number of reasons why the Council has been unreasonable which can be summarised as failing to substantiate the reasons for issuing the notice and relying on vague statements; failing to show it has the necessary legal delegations in place to issue the notice; failing to properly serve the notice; the requirements are uncertain and persisting with the notice in the face of evidence that it exceeded the four year limit. In the case of Appeal C (3333631) also that the failure to issue a statement was tantamount to abandoning the appeal.
4. As can be seen from my decision two of these reasons are proceedable. Although the merits of the appeal were not considered in my decision I consider that the Council's statement did expand on the reasons why they considered the shop fronts to be harmful; I found the notice had been properly served and there is no 4 year time limit for listed building enforcement notices. However, I did consider the requirements were uncertain and no evidence for the delegated authority was provided. I took the Council's statement on the appeals for Nos2 & 3 to cover No4 also as the issues were the same, but in any event, they are not obliged to issue a statement and can simply rely on the reasons for refusal.
5. In their costs response the Council say they did provide the delegated scheme to the appellant, but I have not seen it, possibly because they go on to say that the issue is not relevant to the appeal, whereas it is of course fundamental. They also

argue the requirements are perfectly clear, but for reasons in my decision I disagree with this.

6. During the course of the appeal, on the evidence provided to me it seems the Council failed to take seriously the argument they had no proper delegated authority, presumably because they were under the misapprehension this was not a relevant argument. They ought to have known better and this amounts to unreasonable behaviour. They also failed to deal with the substantive argument concerning the requirements, what was the original shopfront? Had they realised this the notice could have been corrected, but they simply repeated they thought the requirements were clear, which is not a substantive argument. Their failure to grapple with this issue was also unreasonable.
7. The Council's failures in this appeal mean that the whole process will have to be gone through again once they issue properly drafted notices with the correct delegations in place. This could all have been avoided and so I consider their unreasonable behaviour has led to the wasted expense of all three appeals, as all three notices suffered from the same defects, and I shall make a full award of costs.

Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 3 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the Council of the London Borough of Haringey shall pay to Mr Kaleem Ahmed, 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.

The applicant is now invited to submit to the Council of the London Borough of Haringey, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Simon Hand

INSPECTOR