Planning Inspectorate

Costs Decision

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 November 2025

Costs application in relation to Appeal Ref: APP/L5810/C/24/3345947
Land at 2A Oldfield Road, Hampton TW12 2AE

- 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 the Council of the London Borough of Richmond upon Thames against Ms Eniola Aluko.
- The appeal was against an enforcement notice alleging the failure to comply with conditions U0120214 and U0120213 attached to planning permission reference 21/4397/HOT.

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 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. It is claimed that the appellant's case was hopeless as no examples of lesser steps to comply with the notice were provided. Furthermore, it is claimed that the appellant failed to properly engage with the appeal process and only used it to delay effective enforcement action.

4. The appellant is unrepresented. They supported their appeal with the claims which they thought relevant, even though many of them were not. Lesser steps were suggested by the appellant, but these would not have achieved the purpose of the notice. It is not surprising that an unrepresented appellant had difficulty navigating the enforcement notice appeal process, or that their appeal submissions were basic and lacked detail. I have not been provided with evidence that the appeal process was used as a delaying tactic, and I take the appellant's submissions as a genuine misunderstanding that the requirements of the notice were excessive to achieve its purpose. The appellant was entitled to lodge an appeal on that basis, even though they were wrong. It is not a case that they did not properly engage with the appeal process, but more that they did not appreciate the complexity of the situation. That is understandable, and not unreasonable.

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

L Douglas

INSPECTOR