



Costs Decision

Inquiry held on 21 October 2025

Site visit made on 21 October 2025

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2025

Costs application in relation to:

Appeal A Ref: APP/T5150/C/25/3368126

Appeal B Ref: APP/T5150/C/25/3368324

42 Tanfield Avenue, London NW2 7RX

- The application is made under the Town and Country Planning Act 1990, sections 174, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by the Council of the London Borough of Brent for a partial award of costs against Alpine Lifestyle Investment Ltd.
 - The inquiry was in connection with appeals against an enforcement notice alleging the erection of an outbuilding in the rear garden of the premises.
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Decision

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

The submissions for the Council of the London Borough of Brent

2. The application was made in writing and submitted at the inquiry. The appellant's response was made orally at the inquiry, as was the Council's final comments.

Reasons

3. 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.
4. There are two strands to the application. The first is in relation to procedural matters, namely the appellant's unreasonable approach in failing to co-operate, provide information, discuss the appeal, or agree a statement of common ground (SoCG) and core documents list. The second is on substantive grounds in respect of the appellant's unreasonable approach to the submission of evidence, in particular that the appellant's case was based on the false premise that the development amounted to alterations to an existing building.
5. The applicant's claim essentially relates to the ground (d) appeal (Appeal A). The appellant sought to argue that the matters alleged in the enforcement notice had been substantially complete for more than four years, and as a result no enforcement action could be taken due to the passage of time. The appellant's case was made on the basis that an outbuilding has been in situ since at least 2008, with that building being refurbished between April and May 2021. The evidence provided in support of this claim amounted to undated photographs showing an outbuilding at the property, as well as Google Earth Aerial images.

6. However, the Council highlighted in their written statement of case that a Google Earth Aerial image from March 2021 showed that the previous building had been demolished, and that consequently the building subject of the appeal must have been constructed after that date. Indeed, the appellant's own written submissions set out that the new building was higher than the previous structure and had a new roof.
7. The matter was further exacerbated by the failure of the appellant to communicate effectively with the Council during the appeal process. Had the appellant sought to co-operate with the Council, including on the creation of an agreed SoCG, basic facts and matters such as whether the outbuilding did not exist in the March 2021 Google Earth Aerial image could have been agreed. The appellant's counter argument that when contact was made with the Council, they refused to entertain a retrospective planning application for the development, does not justify the appellant's continued pursuing of a somewhat hapless ground (d) appeal.
8. In legal grounds of appeal such as ground (d) the burden of proof is firmly on the appellant, and in this case no credible evidence was provided to support the claim that the building had been in situ since 2008 and that the works carried out were merely the refurbishment of an existing building. The appellant will have known what works were undertaken on site but chose to continue with the ground (d) appeal in any case, even after the Council provided strong evidence to the contrary in advance of the inquiry.
9. The appellant's ground (d) appeal had no reasonable prospect of success from its inception, and the appellant's decision to continue with that ground of appeal whilst failing to provide any evidence to support their position was manifestly unreasonable and caused the Council wasted expense in having to prepare for and address ground (d) in its evidence for the inquiry.

Conclusion

10. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a partial award of costs is therefore warranted.

Costs Order

11. 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 Alpine Lifestyle Investment Ltd shall pay to the Council of the London Borough of Brent the costs of the appeal proceedings, **limited to those costs incurred in respect of Appeal A only**; such costs to be assessed in the Senior Courts Costs Office if not agreed.
12. The applicant is now invited to submit to Alpine Lifestyle Investment Ltd, to whom a copy of this decision has been sent, details of those costs with a view to reaching an agreement as to the amount.

David Jones

INSPECTOR