Costs Decision

Inquiry held on 25, 26 November and 2 December 2025.

Site visit made on 24 and 27 November 2025.

by Elizabeth Pleasant BSc(Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2025

Costs application in relation to Appeal Ref: APP/T5150/C/25/3369293
Land at 31 Anson Road, London, NW2 3UX

- 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 Abbeylord Properties Limited.
- The inquiry was in connection with an appeal against an enforcement notice alleging, without planning permission, the erection of an outbuilding in the rear garden of the premises.

Decision

1. The application for an award of costs is refused.

The submissions for The Council of the London Borough of Brent

2. The costs application was submitted in writing during the Inquiry.

3. The Council submits that the Appellant has acted unreasonably in relation to both procedural and substantive matters at appeal. In relation to procedural matters the Council contend that the Appellant failed to co-operate with the Local Planning Authority in providing information and in responding to a planning contravention notice (PCN). The Council submits that the Appellant should have provided other information, including tenancy agreements, which would have foreshortened the appeal. They also submit that information submitted by the Appellant was manifestly untrue, and that the Council incurred unnecessary or wasted expense in the appeal process in researching, collating and interpreting information and responding to grounds (a), (b), (d), (f) and (g).

4. In relation to substantive matters, the Council submit that the appeals on grounds (d) and (f) were unreasonable because they were bound to fail.

The response by Abbeylord Properties Limited

5. The Appellant submits that neither responses to the PCN nor failure to make an application of a certificate of lawfulness nor planning application resulted in the Council incurring any unnecessary or wasted expense in the appeal process. It is up to the Appellant as to how he wants to present his case and what evidence he submits to substantiate it. Furthermore, any manifestly inaccuracy in the plans/elevations, which is denied, has not caused the Inquiry to go beyond its original time estimate.

6. The Appellant does not accept that the appeal building is a new building if ground (b) fails. It is their case that if ground (b) fails, that Unit 16 was substantially

completed in 2005. It is his case that the recent works, not the appeal building, were substantially completed in 2025. It was not unreasonable to bring a ground (d) case, nor their ground (f), especially as there was also a ground (a) appeal. In any event, the Council has not explained how responding to the grounds (d) and (f) has caused them to incur unnecessary or wasted expense.

Reasons

7. Parties in planning/enforcement 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.

8. The PPG advises that appellants are required to behave reasonably in relation to procedural matters on the appeal, for example by complying with the requirements and deadlines of the appeals process. Examples of unreasonable behaviours which may result in an award of costs include: resistance to, or lack of co-operation with the other party in providing information, discussing the appeal, or in responding to a PCN; providing information that is shown to be manifestly inaccurate or untrue; deliberately concealing relevant evidence at appeal[1].

9. The PCN referred to by the Council was in relation to a different matter, and not the matter at appeal[2]. Furthermore, I agree with the Appellant that the onus of proof on this legal ground is on the Appellant, and thus it is for him to decide what evidence he wishes to submit to support his case. The Appellant provided information which he considered supported his case, including preparing plans and elevations of the former building and certain photographs. The purpose of the appeal and Inquiry was to test that evidence, and thus whilst I found that there were some inconsistencies in those drawings and with other evidence submitted, I do not consider that Mr Judd deliberately provided inaccurate drawings.

10. It was not unreasonable for the Appellant to submit his ground (a), (b) and (g) appeals and there is no substantive evidence before me that would suggest that he behaved unreasonably in relation to procedural matters on the appeal.

11. The PPG advises that an appellant is at risk of an award of costs being made against them if the appeal or ground of appeal had no reasonable prospect of success.

12. It can be seen from my decision that the appeal did not succeed on ground (b). However, that does not mean that it was unreasonable for the Appellant to make his ground (d) case, particularly when he did not know what the outcome of his ground (b) would be, nor having regard to the case he was seeking to make. Furthermore, the evidence on ground (b) and (d) was heard together, with the Council relying on the same evidence for each of those grounds. Thus, even if the ground (d) was to fail, it has not been demonstrated that the Council incurred any unnecessary expense in their defence of the ground (d) appeal.

13. It was also not unreasonable for the Appellant to bring a ground (f) appeal. He submitted a statement and proof of evidence to support that ground of appeal, and

[1] PPG: Paragraph: 052 Reference ID: 16-052-20140306.
[2] Appellant's Statement of Case, Appendix 10, PCN, 2014.

thus whilst it did not ultimately succeed, it was not unreasonable for him to try and make out his case.

Conclusion

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

Elizabeth Pleasant

INSPECTOR