Planning Inspectorate

Costs Decision

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

Site visits 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 Abbeylord Properties Limited for a full award of costs against the Council of the London Borough of Brent.
- 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 Abbeylord Properties Limited

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

3. The applicant seeks a full award of costs. He considers that it was unreasonable for the Council to allege “the erection of outbuildings” when that is patently not the works undertaken. Instead, the works were one of repair, refurbishment and alteration of three dwellings. It is agreed that, before the unauthorised works commenced, the structure the subject of this appeal comprised three lawful self-contained dwellings, and it is also agreed that since those works, the structure the subject of this appeal comprises three-self-contained dwellings. The allegation in the Notice is thus contradicted by these agreements.

4. The applicant submits that the Council has not provided any evidence of any other enforcement notice with a similar allegation alleged in this case, and the Council’s unreasonable conduct has directly caused the applicant to incur unnecessary or wasted expense in the appeal process. Mr Dawe, acting on behalf of the Appellant, repeatedly pointed out this error to the Council, but the Council failed to grapple with the erroneous allegation.

The response by The Council of the London Borough of Brent

5. The response was made orally at the Inquiry.

6. The Council do not accept that the allegation is incorrect. They have always maintained that the unauthorised development is the erection of a new building(s). There has been no contradiction during the appeal, because the works undertaken in the erection of the new building are ‘building works’. The Council do not accept that it is necessary for them to evidence other enforcement notices served with the same allegation. In addition, they state that they repeatedly requested evidence

from the Appellant for consideration, including contemporaneous records, tenancy agreements, a measured survey, original photographs and none of which were provided prior to the appeal submissions.

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. It can be seen from my decision that I concluded that on the balance of probability the Appellant had erected an outbuilding. Thus, the allegation in the notice, as corrected, was not wrong. Although the outbuilding has subsequently been occupied as three self-contained dwellings, the allegation was not attacking the use of the building, but the building operations undertaken. I found those building operations to comprise the erection of an outbuilding, and it was not unreasonable for the Council to allege that building operation.

9. I see no reason, nor indeed what purpose it would have served for the Council to provide evidence of other enforcement cases involving the erection of an outbuilding. The enforcement notice in this case is only required to specify the unauthorised works undertaken on the Land.

Conclusion

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

Elizabeth Pleasant

INSPECTOR