
Costs Decision

Site visit made on 19 November 2025

by **N Armstrong BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 December 2025

Costs application in relation to Appeal Ref: APP/X5210/W/25/3373275 75 Southampton Row, London WC1B 4ET

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Karali QSR Ltd for a full award of costs against the Council of the London Borough of Camden.
 - The appeal was against the refusal of planning permission for change of use of ground floor premises from a restaurant (Class A3) to a hot food takeaway (Class A5) and installation of plant equipment to the rear (amended description) without complying with a condition attached to planning permission Ref 2018/2176/P, dated 5 September 2018.
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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 (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 applicant is seeking an award of costs on the basis that the Council has acted unreasonably, stating that they have failed to engage with key substantive evidence provided by the applicant. The applicant also suggests the Council has relied on vague, unsubstantiated assertions regarding the impacts of noise on residential amenity without any technical input throughout the application and appeal processes.
4. The PPG makes it clear that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing planning applications, or by unreasonably defending appeals. Examples of this include a failure to produce evidence to substantiate each reason for refusal on appeal, and vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
5. The Council's delegated report made specific reference to the applicant's Noise Impact Assessment (NIA), as well as the proposed measures to restrict public access, no deliveries by motorised vehicles and for couriers to wait inside the premises. The report sets out the reasons why the Council considered there to be a lack of information at the time it made the decision, and why imposing a condition to secure proposed mitigation would not be enforceable. The report highlights the close proximity to residential properties above and adjacent, the increased use into

the early hours, as well as the absence of other similar uses operating at that time in the area. These are factors that would contribute to the harm from additional use during the extended hours, and which I also refer to in my accompanying decision.

6. Despite the granting of a late-night refreshment licence, and no comments from the Council's Environmental Health officers to the planning application, the Council substantiated their reason for refusal within the delegated report. The applicant has subsequently provided additional supporting information that was not available at the time of the planning application. Notwithstanding the Noise Appeal Statement (NAS) and Operational Management Plan (OMP), the Council's appeal statement reiterates the main issues supporting their decision. As noted in my decision, the conclusions of the NIA and NAS, and whether additional use during the extended hours would be acceptable for neighbouring residents, rely on mitigation measures set out in the OMP. However, whilst focussing on the type of vehicle within the report and appeal statement, the Council is not satisfied that a condition securing such measures would be enforceable. For the reasons set out in my decision, I am also not satisfied that such a condition would be enforceable in this instance.
7. Notwithstanding the absence of technical evidence from the Council, their assessment of the application would likely have incorporated some planning judgement based on the activity associated with collections and deliveries. The delegated report acknowledges the findings of the NIA in respect of noise from internal kitchen activity and extract plant. This is arguably a more technical assessment of equipment operating in relation to background noise levels compared to other activity at the site. However, there would be some ambiguities relating to proposed activity associated with collections and deliveries extending considerably further into the early hours, which would also be subject to behaviours and management practices of people at and visiting the site.
8. The Council also took into account objections from residents, which highlight experience of some adverse effects arising through similar activity at the site and in the area. Although the Council does not specifically refer to all parts of the applicant's evidence, it has commented on the main issues relevant to the appeal proposal. I do not find that the Council have acted unreasonably in refusing the application or defending the appeal, for the reasons set out in the decision notice, and substantiated within the report and appeal statement. The Council's later reference to taking into account comments from their Transport team does not alter this finding.
9. Accordingly, I find that the Council have been able to substantiate the reason for refusal with an objective analysis of the proposal, having regard to development plan policy and other material considerations, exercising planning judgement, and their behaviour is not unreasonable.

Conclusion

10. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as defined in the PPG, has not been demonstrated. Accordingly, the application for costs is refused.

N Armstrong

INSPECTOR