



Costs Decision

Site visit made on 18 November 2025

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2026

Costs application in relation to Appeal Ref: APP/T5150/X/24/3342472 101 Anson Road, Brent, London NW2 4AE

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Bonjomon Ltd for a full award of costs against the Council of the London Borough of Brent.
 - The appeal was against the refusal of a certificate of lawful use or development for erection of an outbuilding in the rear garden to be used incidental to the main dwelling following the demolition of the existing garage.
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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. The applicant asserts that the Council acted unreasonably in determining the application as unlawful because it had all the information required and would not have required any additional information.
3. 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 applications, or by unreasonably defending appeals. Examples include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
4. The Council has set out its consideration of the application in its officer report and has detailed its reasons for refusing the application in its decision notice. The Council explained why it considered the information provided by the applicant was not sufficient to discharge the burden of proof in this case. The Council makes it clear it has applied the correct test, which is whether the proposed buildings are genuinely and reasonably required or necessary in order to accommodate the proposed use or activity and thus achieve that purpose. I find there is no evidence to suggest that the Council has acted contrary to, or not followed well-established case law.
5. While the Council raised concern regarding the inclusion of toilet facilities, I do not consider this to be unreasonable, given the advice contained in the government

guidance¹, which is that ‘a *purpose incidental to house would not...cover normal residential uses, such as...the use of the an outbuilding for primary living accommodation such as a...bathroom....*’

6. It is suggested that the Council confused the internal and external footprints of the building and gave no weight to the existing garage. However, I see no flaw in the Council’s assessment in this regard. It is clear from the Officer Report that the author of the report understands the dimensions of the building proposed and that the outbuilding would replace an existing building.
7. The applicant raises concerns about apparent inconsistencies between the measurements considered by the Council, however, on my reading of the evidence, it seems this arises because the Council is actually describing the dimensions of the building proposed at Coverdale Road, an appeal decision which the Council has cited in support of its case. I do not believe that the Council was unreasonable for giving an example of an appeal decision, which it considers to be comparable. While full details of the appeal decision were not provided, the pertinent points were identified.
8. While the applicant may have felt that they provided sufficient evidence, in an LDC the burden of proof is firmly on the applicant (to the civil standard, which is the balance of probabilities). The applicant suggests that the Council could have sought additional information to gain clarification during the 8 week period. However, the Council’s view has not changed during the course of the appeal and so it seems unlikely that it would have made a different decision had additional information been requested.
9. Whether a proposal would be for purposes which are incidental to the enjoyment of the dwellinghouse is a matter of fact and degree and therefore a judgement for the decision maker. The Council made that judgement and, whilst I have allowed the applicant’s appeal, I do not believe that the Council was unreasonable in coming to the conclusion that it did, or in defending its stance through the appeal.
10. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

M Savage

INSPECTOR

¹ Permitted development rights for householders: Technical Guidance (2019)