



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/24/3345118 15 Bovingdon Avenue, Wembley, Brent HA9 6DH

- 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 Mr Obiora Okoye 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 proposed single storey detached building in rear garden of dwellinghouse.
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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. 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 cited by the applicant 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, failure to produce evidence to substantiate each reason for refusal on appeal, vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis, acting contrary to, or not following well-established case law, not determining similar cases in a consistent manner.
4. It is asserted that the officer report does not set out analysis of whether the proposal would comply with the relevant requirements under Class E, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended). Although the officer report does not specify particular case law, it sets out the key tests and considerations it has had regard to during determination of the application, which appears consistent with well-established case law.
5. The officer report sets out its concerns with regards to the provision of bathroom facilities, given the proximity of the proposed building to the main dwelling and the size of the proposed building. The analysis, while not lengthy, is sufficient in my view to show how the Council has considered the application and why it has refused it.

6. The decision notice issued by the Council makes it clear that the application was refused because the Council considers the proposed building would not be permitted development. While it would have been helpful for the decision notice to refer to the Part and Class of Schedule 2 of the Order the Council considered the proposal against, when read together with the officer report, the applicant should have been in no doubt as to why the Council refused the application. Furthermore, the Council has explained its reasons for refusing the application through this appeal.
7. The Council explained why it considered the information provided by the applicant was not sufficient to discharge the burden of proof in this case. Indeed, from the evidence before me, the information submitted in support of the application appears very limited and ambiguous. Although the plans label one of the rooms as 'Studio/Gym', the application form identifies the proposed use as falling within a C3 use. The application form does not explain that the building is proposed for an activity or use which is incidental to the enjoyment of the dwellinghouse and no further information appears to have been submitted in support of the application.
8. While further information was submitted by the applicant in support of the appeal, it is also limited and, significantly, I have agreed that the applicant has not discharged their burden of proof and have dismissed the appeal. 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 has made that judgement and I do not believe that it was unreasonable in coming to the conclusion that it did.
9. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

M Savage

INSPECTOR