



Costs Decision

Inquiry held on 3 March 2026

Site visit made on 3 March 2026

by **Peter White** BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2026

Costs application in relation to Appeal Ref: APP/T5150/C/25/3375410

19 Nutfield Road, London NW2 7EA

- 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 Mr Rashed Khan for a partial 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 material change of use of the premises to two flats.
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Decision

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

The submissions for Mr Rashed Khan

2. The costs application was made orally at the inquiry. His case is that the Council sent him the draft Statement of Common Ground (SoCG) very late, the day before the deadline and just before Christmas. And that the Council caused procedural delay as he sent his Statement of Case documents to the enforcement officer after the large file size was not accepted in his appeal submissions, but that she did not pass those onto those representing the Council for the appeal.

The response by the Council of the London Borough of Brent

3. The response was made orally at the inquiry. The Council states it did not behave unreasonably in not looking for an email after the deadline for submission in an email inbox not related to the appeal. And that normally it is for the appellant to make the first draft of the SoCG. And that a SoCG could have been used to agree the appellant's new evidence submitted at the Inquiry to save time.

Reasons

4. 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.
5. It was not unreasonable for the Council not to have associated documents submitted to an individual and after the appeal submission deadlines as being appeal documents. Neither was it unreasonable for the Council to take the lead in preparation of a draft SoCG, even late in the process.

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

Peter White

INSPECTOR