



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 the Council of the London Borough of Brent for a full award of costs against Mr Rashed Khan.
 - 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 the Council of the London Borough of Brent

2. The costs application was submitted in writing.

The response by Mr Rashed Khan

3. The response was made orally at the inquiry. He stated that he was a 'lay person' who did not take professional advice and did not know all the procedural steps and evidence required. That there was a certain amount of work the Council would have had to undertake in any case. That his Statement of Case (SoC) was one day late, and the draft Statement of Common Ground (SoCG) was only sent to him by the Council on the day it was due to be submitted. That he believed he had provided all the evidence needed, did not have anything new to add, so did not submit a Proof of Evidence (PoE). That he did not realise submissions on the day of the Inquiry would be late, and that they were documents the Council had anyway. And that he doesn't believe the Council have incurred any additional cost relating to extra work.

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 apparent at the Case Management Conference (CMC) that the Council had not seen the appellant's submission the day after Statements of Case were due. I accepted that submission, which comprised the evidence the appellant relied on, and the Council were able to respond to it in its proof of evidence.

6. Although none of the appellant's submissions took the usual form of a SoC or PoE, a paragraph on the appeal form set out his case, and his SoC submissions provided the documentary evidence he relied on to make that case. A SoCG was subsequently submitted in accordance with my instructions at the CMC.
7. The documents submitted late at the opening of the Inquiry should have been provided earlier, and I explicitly stated at the CMC that the timetable for submissions must be strictly followed. But the documents submitted were relevant to matters raised by the Council in its evidence and did not result in any significant delay or wasted expense by the Council.
8. In my appeal decision, I found the appellant had not demonstrated that no enforcement action could be taken at the time the enforcement notice was issued. However, I also found that, on the balance of probabilities, the evidence he had submitted went some way towards demonstrating the case he made. The limited information provided and communication by the appellant was ultimately premised on his belief that his case was a simple one and readily demonstrated. Although ultimately it was not sufficient for me to allow his appeal, it was not unreasonable for him to assume that he may have succeeded.
9. The appellant's failure to respond to the Planning Contravention Notice (PCN) served on him was unreasonable behaviour. But I cannot know whether the outcome of the appeal may have been different if he had responded to it.
10. On substantive grounds, the appellant did not succeed in his appeal, but his case was not wholly without merit, and it was not unreasonable for him to have pursued his appeal on that basis.
11. On procedural grounds, failure to provide timely responses was unreasonable, but did not result in unnecessary or wasted expense by the Council. Ultimately, the apparent absence of a formal SoC and a proof of evidence arose as the appellant had already said all he was going to say and submit, other than a small number of documents in rebuttal of the Council's evidence.
12. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Peter White

INSPECTOR