



Costs Decision

Site visit made on 21 November 2025

by N Paine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 May 2026

Costs application in relation to:

Appeal A Ref: APP/X5990/W/25/3366040

13-14 Randolph Road, City of Westminster, London W9 1AN

- 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 Mr Jorge Villon for a full award of costs against City of Westminster Council.
 - The appeal was against the refusal of planning permission for development described as the construction of single-storey basement, excavation of front lightwell to extend to the new basement level, associated internal alterations, installation of new mechanical plant equipment, and associated works.
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Appeal B Ref: APP/X5990/Y/25/3366039

13-14 Randolph Road, City of Westminster, London W9 1AN

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Jorge Villon for a full award of costs against City of Westminster Council.
 - The appeal was against the refusal of listed building consent for proposed works described as being the same as for Appeal A.
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Decision

1. The application for an award of costs is partially allowed in the terms set out below.

Background

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance 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's cost application is twofold: Firstly, they say that the Council did not give due regard to other decisions it had previously made in relation to basements. The Applicant states that the Council acted unreasonably as they did not follow case law in respect of precedents and therefore have been inconsistent in their decision making.
4. Secondly, the Applicant says that the Council did not give reasons as to why the depth of the basement caused harm to heritage assets. The Applicant concludes that the Council has failed to substantiate this part of the refusal and it has provided vague and inaccurate reasons unsupported by objective analysis.

Reasons

Precedent

5. A Planning Committee decision which goes against officer advice is not a reason to give an award of costs, as the Committee was entitled to come to its own conclusions on the merits of the proposal. The reasons for the refusal and the policies of the development plan are set out in the Council's decision notices.
6. The Council's statement of case clearly sets out the reasons why it considered planning policy would not be met in respect to the basement depth. It then went on to identify other examples cited by the Applicant and gives logical and coherent reasons as to why these are materially different to the appeal proposal.
7. I accept that these other decisions are material considerations to appeal proposals and like cases should be decided in a like manner. However, it does not follow that earlier decisions automatically bind any subsequent decision maker. I have carefully considered the other cases put to me and I agree with the Council that while there would be some similarities, the appeal case is also readily distinguishable and materially different from these other examples. Indeed, considering different facts and proposals on the ground invariably leads to different judgments.
8. Therefore, and in conclusion on the matter of precedent, I find that the Council has not acted unreasonably.

Impact on Heritage Assets

9. The Council's decision notice for the refusal of Listed Building Consent does not clearly identify which heritage asset(s) would be affected by the proposed works. In addition, the Council's Statement of Case does not expand on the reasons as to why or how any heritage asset would be affected by the proposed works.
10. While I ultimately identified harm in respect to the deepening of the lightwell to the frontage of the listed building, impacts from the wider basement upon heritage assets were not subject to robust analysis from the Council. Overall, I find that the Council did not give clear and accurate reasons as to why the basement caused heritage related harm to the listed building(s) or conservation area.
11. The Applicant has therefore had to incur unnecessary costs and wasted expense in contesting this matter. This could have been avoided or significantly reduced if a more thorough approach had been adopted by the Council.

Conclusion

12. Having considered the grounds for costs, I conclude that the refusal of Listed Building Consent by the Council was not fully substantiated or supported by objective analysis. Unreasonable behaviour resulting in unnecessary or wasted expense has therefore occurred. Consequently, a partial award of costs to cover the unnecessary expense incurred by the Applicant in contesting the refusal of Listed Building Consent is warranted.

Costs Order

13. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 3 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the City of Westminster Council shall pay to Mr Jorge Villon the costs of the appeal proceedings described in the heading of this decision under Appeal B, limited to those costs incurred in appointing professional advisors to submit an appeal against the refusal of Listed Building Consent to the Planning Inspectorate on behalf of the Applicant; such costs to be assessed in the Senior Courts Costs Office if not agreed.
14. The Applicant is now invited to submit to the City of Westminster Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

N Praine

INSPECTOR