



Costs Decisions

By A U Ghafoor BSc (Hons) MA MRTPI FCMI fCMgr

an Inspector appointed by the Secretary of State

Decision date: 21 July 2026

Appeal ref: APP/L5810/X/24/3353018

Cambridge Moorings, Cambridge Gardens off Clevedon Road, Twickenham TW1 2TA

- Application A and B are made under the Town and Country Planning Act 1990 as amended, sections 195, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - Application A is made by Barry Edwards on behalf of Running Red Ltd for a full or partial award of costs against Council of the London Borough of Richmond-upon-Thames.
 - Application B is made by the Council of the London Borough of Richmond-upon-Thames for a full or partial award of costs against Barry Edwards on behalf of Running Red Ltd.
 - The appeals were in connection with a failure to give notice within the prescribed period of a decision on an application for a certificate of lawful use or development (LDC) for activities characteristic of leisure and recreation use.
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Decisions - Application A and B

1. Both applications for an award of costs are refused.

Reasons – Both applications

2. 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. An award of costs does not necessarily follow the outcome of an appeal. The PPG also advises that in these proceedings, parties normally meet their own expenses. The purpose of this application process is not to resolve by investigation every allegation of unreasonable behaviour. Rather it is to decide if an award of costs in respect of the appeal is justified on the available evidence in a particular case. My decision on the LDC appeal explains why it fails: I will not rehearse the reasons here.
3. Application A: The applicant is aggrieved by the respondent's handling of the LDC application, but as the PPG advises costs can only be awarded in relation to unnecessary or wasted expense at the appeal. Nonetheless, what happened before the appeal can be relevant in determining unreasonable behaviour. The applicant raises concerns about the quality of the advice from the respondent forcing them to apply for the LDC as they considered express planning permission was not required or it was immune from enforcement action due to the passage of time.
4. I have carefully reviewed all the arguments made in support of the application, including arguments that the process has been burdensome, but I do not detect deliberate lack of cooperation or obstruction by the respondent authority. The concern is that the respondent failed to determine the LDC application within the relevant statutory period. However, the respondent did not validate the application, because it sought to clarify the description and regarded the information submitted as insufficient to decide the LDC application.
5. The applicant is professionally represented and should have been aware of validation requirements set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015 as amended. The latter also explains what can be done

when disputes about validation cannot be negotiated and resolved thus allowing an application to progress.

6. There followed a lengthy exchange of electronic correspondence between the appeal parties. It appears to me that matters could not be amicably resolved. It is unfortunate the appeal parties did not come to an agreement on validation, but I consider that the respondent provided a proper explanation for its reasons to invalidate the application. Consequently, the applicant exercised their right of appeal against non-determination, but it seems to me that the respondent did not unreasonably invalidate the application. Notwithstanding matters surrounding validation, I have determined the appeal based on the evidence before me and found considerable deficiencies and lack of clear, unambiguous and precise evidence: the latter being unnecessarily voluminous and repetitive.
7. Application B: The quality of each LDC application is a concern raised by the applicant, but as I have already said elsewhere, it invalidated the application and provided reasons for doing so. The applicant refers to recent appeal decisions which I have referred to in my Decision. However, the respondent exercised their right of appeal against non-determination in the hope that there is a reasonable prospect of success. The respondent perceived the existing use was immune and this required testing on appeal.
8. I appreciate the respondent made several requests to clarify existing use description and information. It seems to me that the respondent decided to stand firm and argue no additional evidence was required for validation purposes. Unfortunately, the extent and length of the email exchange suggest a total breakdown of communication between the main parties: that is something for them to consider. Nonetheless, it was open to the applicant to proceed with a determination based on the submitted information instead of holding a firm line. The applicant provided sufficient explanation and reason why the LDC application would have been refused: it could have equally done the same by refusing the application on the same basis thus avoiding the appeal against non-determination.
9. There is nothing before me to indicate behaviour that led to deliberate lack of co-operation. I acknowledge the scattergun approach taken to the grounds of appeal by the respondent. Nonetheless, they provided sufficient argument in support of the LDC application.

Overall conclusions – both applications

10. The applicants refer to previous appeal and costs decisions made by Inspectors, but I have assessed these applications on their own merits.
11. I have carefully considered this application but come to an inescapable conclusion. The applicants have not demonstrated that the behaviour amounts to unreasonable behaviour resulting in unnecessary or wasted expense as described in the PPG. It has not been demonstrated that an award of costs, full or partial, is justified in the circumstances.

A U Ghafoor

INSPECTOR