



Costs Decisions

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

an Inspector appointed by the Secretary of State

Decision date: 21 July 2026

Appeal Refs A to C: APP/L5810/X/24/3348966, 3353215 and 3353220 - River Thames Visitor Centre, Richmond Upon Thames TW10 6JU

Appeal Refs D to E: 3351922 and 3353503 - Mears Moorings, Riverside, Surrey TW10 6JU

- 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).
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Decisions - Application A and B

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

Preliminary Matters - Application A and B

2. In Appeals A to E the grounds of costs application in each appeal cut-across and duplicate arguments. To avoid unnecessary duplication, I will combine all the applications but will consider each application on its individual merits. I proceed.

Reasons – Both Applications

3. 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. An award of costs does not necessarily follow the outcome of an appeal. My decisions on the LDC appeals explain why Appeal A is allowed in part and why Appeals B to E fail: I will not rehearse the reasons here.
4. Application A: The applicant is aggrieved by the respondent's handling of the LDC applications, 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 pre-application advice forcing them to apply for LDCs as they considered express planning permission was not required.
5. I have carefully reviewed all the evidence and applications made but do not detect deliberate lack of cooperation or obstruction by the respondent authority. The concern is that the respondent failed to determine the LDC applications within the relevant statutory period. However, the respondent authority did not validate the applications because it considered that the evidence submitted was insufficient to decide each application and it was unclear as to exactly what was the precise description of the existing use claimed to be lawful. The relevant sections of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as amended explains what is required to make a valid LDC application and procedure to resolve disputes about validation.

6. In these cases, there followed a lengthy exchange of electronic correspondence between the appeal parties about the adequacy of the plans and information submitted with each application. It appears to me that matters could not be amicably resolved. The applicant exercised their right of appeal against non-determination, but it seems to me that the respondent did not unreasonably invalidate each application. Although I have determined each appeal based on the evidence before me, I too have found considerable deficiencies and lack of clear, unambiguous and precise evidence. It is unfortunate the appeal parties did not agree validation requirements, but the respondent provided a proper explanation as to its reasons for invalidation.
7. As I have said elsewhere, the applicant decided to exercise their right of appeal against non-determination and the respondent provided statements explaining why it would have refused each LDC application. I consider that the respondent provided sufficient evidence to substantiate its stance in each appeal. Although I agree with the applicant in Appeal A, nonetheless, the respondent provided an explanation in that case. Furthermore, sufficient evidence and argument was made to justify its opposition to the appeals.
8. Application B: The respondent exercised their right of appeal against refusal of the LDC in the hope that there is a reasonable prospect of success. The respondent perceived it had sufficient evidence to show immunity or that the existing use fell within the ambit of an extant planning permission. The arguments made before me were not already rehearsed before previous Inspectors, these matters required assessing in the context of the LDC appeals. There is nothing before me to indicate behaviour that led to deliberate lack of co-operation on the respondent's behalf. I acknowledge the scattergun approach taken to the grounds of appeal by the respondent. Nonetheless, they provided sufficient argument in support of each LDC application.

Overall conclusion – both applications

9. The applicants refer to previous appeal and costs decisions made by Inspectors, but I have assessed Application A and B on their own merits.
10. 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