



Costs Decision

Site visit made on 3 August 2026

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 10 August 2026

Costs application in relation to Appeal Ref: APP/G5750/C/25/3362536

32 Kerrison Road, Stratford, London E15 2TH

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Council of the London Borough of Newham for a full award of costs against Mr Taran Patel.
 - The appeal was against an enforcement notice alleging that without planning permission, the property had undergone a material change of use to Short Term Lets.
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Decision

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

Reasons

2. 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.
3. The PPG states that the right of appeal should be exercised in a reasonable manner. An appellant is at risk of an award of costs being made against them if the appeal or ground of appeal had no reasonable prospect of succeeding. In enforcement appeals, the onus of proof on matters of fact is on the appellant.
4. Following service of the enforcement notice, Mr Patel lodged an appeal on grounds (b), (c), (e) and (f). The Council advised him that the justification advanced for those grounds appeared to be incorrect and ill-informed. Subsequently, the Council explained that there appeared to be a fundamental misunderstanding of the appeal process and suggested that the appeal had been submitted without a reasonable prospect of success. The Council therefore encouraged Mr Patel to withdraw the appeal and suggested that he seek advice from a suitably qualified professional planning agent.
5. Notwithstanding the above, the appellant chose to pursue the appeal and disagreed with the Council's assessment that the appeal is without merit or based on a misunderstanding of the process. He maintained that the grounds cited (b, c, e, and f) were carefully considered and believed they are substantiated by relevant planning considerations. However, for the reasons I set out in detail in the related Appeal Decision, these grounds of appeal failed, save for ground (f).

Ground (e)

6. As set out in the related Appeal Decision, the Council complied with the statutory requirements for service of the enforcement notice. No substantive evidence was

submitted from the appellant to demonstrate that the notice was not properly served.

7. Accordingly, this ground of appeal had no reasonable prospect of success and amounts to unreasonable behaviour.

Grounds (b) and (c)

8. The appellant persisted with the appeal on these grounds despite acknowledging that the property was being used to provide short-term visitor accommodation. In support of the appeal, reliance was placed on matters that were either irrelevant or unsupported by evidence. The appellant also relied heavily upon the existence of a selective letting licence without demonstrating any proper understanding of the distinct regulatory purposes of such licences or their limited relevance to the grounds of appeal. Accordingly, there was no convincing evidence submitted to show that the use for short term letting did not result in a material change of use.
9. Consequently, the failure of the appellant to provide any meaningful evidence in support of his case meant that these grounds of appeal had no reasonable prospect of success and amounts to unreasonable behaviour.

Ground (f)

10. The notice requires the cessation of the short term letting use. The appellant's evidence was directed towards continuing that use, subject to certain mitigation measures to control noise and other impacts, which he interpreted as being "lesser steps". While this approach would not have remedied the breach of planning control, I consider that the appellant's response was not so irrational that it amounted to unreasonable behaviour.
11. I have separately concluded that the second requirement is excessive for the reasons set out elsewhere in the Appeal Decision. Accordingly, any wasted expense incurred by the Council in relation to that requirement was a consequence of its own actions and not attributable to any unreasonable behaviour by the appellant.

Conclusion

12. Other than the initial appeal form setting out the grounds of appeal (which was wholly inadequate with regard to grounds (e), (b) and (c) for the reasons I have described earlier), the appellant did not submit any further written evidence in the appeal, or in response to this application for costs.
13. In defending the appeal, I am satisfied that the Council incurred significant expense in officer time and in preparing and submitting written evidence and related documents, including this application for an award of costs. Consequently, the appellant's unreasonable behaviour resulted in unnecessary and wasted expense to the Council, in relation to grounds (e), (b) and (c).
14. For the reasons given, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that a partial award of costs is justified.

Costs Order

15. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Mr Taran Patel shall pay to the Council of the London Borough of Newham, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in dealing with the appeal, excluding costs relating to ground (f), and this costs application, such costs to be assessed in the Senior Courts Costs Office if not agreed.
16. The applicant is now invited to submit to Mr Taran Patel, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

S Lo

INSPECTOR