
Costs Decision

Hearing held on 18 August 2026

Site visit made on 18 August 2026

by D Boffin BSc (Hons), DipTP, MRTPI, DipBldg Cons (RICS), IHBC

an Inspector appointed by the Secretary of State

Decision date: 15th September 2026

Costs application in relation to Appeal Ref: APP/X5210/F/26/3378458

12 Argyle Street, London, WC1H 8EG

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 39, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
- The application is made by Goldhawk International Limited for a partial award of costs against the Council of the London Borough of Camden.
- The appeal was against a listed building enforcement notice alleging: Without listed building consent: internal alterations, namely the installation of centralised bathrooms, installation of bespoke fixed furniture, and relocation of kitchens from the rear rooms to the front rooms, and installation of air conditioning units on the rear elevation of the building at ground and first floor levels.

Decision

1. The application for an award of costs is refused.

The submissions for Goldhawk International Limited

2. The costs application and response were submitted in writing. No additional points were made orally at the Hearing.

The response by the Council of the London Borough of Camden

3. The response was made in writing. No additional points were made orally at the Hearing.

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 is not clear from the information before me as to whether the applicant is seeking a full or partial award of costs. Still, given the substance of the applicant's case I consider that it is highly likely that they are seeking a partial award.
6. PPG paragraph 048 sets out where the handling of an enforcement notice prior to the appeal might lead to an award of costs. This states that Councils must carry out adequate prior investigation. They are at risk of an award of costs if it is concluded that an appeal could have been avoided by more diligent investigation that would either have meant there was no need to serve the notice in the first place or that would have ensured it was accurate.

7. In my substantive decision I have found that the listed building enforcement notice (LBEN) is a nullity but the main thrust of the applicant's case is that it is unreasonable of the Council to issue a LBEN in respect of authorised works and by seeking to enforce against works within the third floor that were granted listed building consent in 2013 and also by alleging heritage harm to a floor which it evidently considered had no heritage significance as recently as 2013.
8. The LBEN includes the installation of centralised bathrooms and step 2 cited in section 5 of that LBEN requires the removal of the central bathrooms installed at second and third floor levels. However, it is clearly apparent from the approved plans associated with the planning permission and listed building consent¹ approved in 2010 (the 2010 permissions) that the creation/installation of a central bathroom on the second floor was authorised at that time. Therefore, the Council should have been aware from its own records that those works were authorised. The Council stated within its Statement of Case that it agreed that those works were authorised and should be deleted from step 2. As such, the Council indicated that it had made an error at an early stage of the appeal process.
9. Even if I found that the Council's inclusion of those works within the LBEN was unreasonable the applicant's appeal could not have been avoided as additional works are covered by the LBEN and the applicant's only evidence in this regard is highlighting that the approved plans from the 2010 permissions included the centralised bathroom on the 2nd Floor.
10. There is no dispute that the installation of centralised bathrooms on the third floor was not authorised by the 2010 permissions. In 2012 a LBEN was issued and a subsequent appeal was allowed in part and dismissed in part (the 2013 appeal decision). As part of the 2013 appeal decision that Inspector allowed a series of works to the third floor. Whilst there is no reference to the 2013 as built plan, cited by the applicant, within that decision, it was agreed by the main parties at the Hearing, that the works described in that decision would appear to include the addition of internal walls in the front and rear rooms on the third floor. Those works were authorised by the 2013 appeal decision and the Council concluded in 2013 that no action was required in relation to the works that had been carried out within the third floor. I can therefore understand that the Council's assessment of those works requiring listed building consent may have come as a surprise to the applicant given the planning history of the site.
11. However, whether the installation of bathrooms within the 'rooms' created by the addition of those walls is a matter of judgement. The Council's evidence indicates why it considers that the installation of the bathrooms requires listed building consent. As such, in this respect I do not consider that the Council have acted unreasonably.
12. For the above reasons, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

D Boffin

INSPECTOR

¹ Ref Nos: 2010/5768/P & 2010/5769/L