



Costs Decision

Site visit made on 8 September 2026

by M Ollerenshaw BSc(Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2026

Costs application in relation to Appeal Ref: APP/X5210/X/25/3372706

47 Dartmouth Park Road, London, NW5 1SU

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Thibault Thevissen for a full award of costs against the Council of the London Borough of Camden.
 - The appeal was against the refusal of a certificate of lawful use or development for 'creation of an interconnecting staircase between flats at 47 Dartmouth Park Road'.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (the 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. Unreasonable behaviour can be either substantive or procedural.
3. The basis of the applicant's case is that the Council acted unreasonably by determining that the proposal would result in the amalgamation of the two dwellings into a single dwelling, despite the proposal expressly retaining two separate dwellings. The applicant argues that the Council misapplied planning law, failed to substantiate the reason for refusal, and persisted with its position despite being provided with legal advice, appeal precedents and opportunities to reconsider the decision, thereby causing unnecessary appeal costs.
4. In response, the Council says that it has acted reasonably and was entitled to refuse the application and defend that decision on appeal, based on the facts of the case. The Council argues that the applicant's supporting evidence and decisions from other local authorities did not provide binding precedent, and that there remained legitimate grounds for disagreement. It considers that the applicant has not incurred any unnecessary or wasted expense due to unreasonable behaviour by the Council. Rather, any expenses incurred arose from the applicant's decision to pursue the appeal.
5. The Council's position was not that an amalgamation was expressly proposed but that the physical connection created by the works would alter the relationship between the two dwellings such that they would no longer be separate self-contained units, and that a material change of use would occur as a result. I consider that the Council was entitled to reach its own conclusion on this issue as a matter of judgement, having regard to the specific facts of the case.

6. The applicant submitted a legal opinion which gave advice on whether the proposed works constituted development requiring planning permission, and the decisions of other local planning authorities relating to similar developments. However, neither the legal advice nor the previous decisions were binding on the Council. The Council has set out its reasoning in detail in the delegated report and the appeal statement. Although I have disagreed with the Council's position, the dispute concerned whether the proposal would result in a material change of use, a matter which involved an assessment of fact and degree. I consider that there was reasonable scope for alternative viewpoints to be held.
7. The applicant's agent sought to discuss the decision with the Council in an attempt to resolve matters without resorting to an appeal. There was some dialogue between the parties, but no agreement was possible given the nature of the dispute. The Council maintained its position because it considered that the decision was correct. I do not find that this amounted to unreasonable behaviour.
8. The dispute was a matter of planning judgement, rather than the applicant being forced into an appeal as a consequence of unreasonable behaviour. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated.

Conclusion

9. For these reasons, and having considered all matters raised, I conclude that an award of costs is not justified in this case. Accordingly, the application for an award of costs is refused.

M Ollerenshaw

INSPECTOR