

Costs Decision

Site visit made on 12 September 2026

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

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8th October 2026

Costs application in relation to Appeal Ref: APP/Z5630/X/25/3368907

28 – 30 Church Road Kingston upon Thames KT4 7RA

- The application is made under the Town and Country Planning Act 1990, sections 195, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr A Issa on behalf of Avida go Ltd for a full award of costs against the Council of the Royal Borough of Kingston upon Thames.
 - The appeal was against failure to determine a certificate of lawful use or development (LDC) for existing use of the property as 3x self-contained flats at the application site, which have been used continuously for more than 4 years.
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Decision

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

Reasons

2. Irrespective of the outcome of the appeal, costs may only 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. Based on the application before me, the claim is that the respondent failed to determine the LDC application in a timely manner, but the applicant exercised their right of appeal.
3. Although behaviour before an appeal might indicate unreasonableness, in this case there is no evidence of deliberate prevarication or undue delay leading to the applicant's appeal. Although I have detected a fundamental misunderstanding of legal principles in the respondent's case, it advanced a reasonable argument and explanation as to why it would have refused to grant the certificate. Clearly, there was a deep difference of opinion in approach that needed testing on appeal.
4. Contrary to the agent's arguments, I consider that the respondent's stance and approach have not resulted in procedural or substantive unreasonableness thereby causing the applicant to incur unnecessary or wasted expense in the appeal process. I conclude that an award of costs, partial or full, is unjustified in this case.

A U Ghafoor

Inspector