Planning Inspectorate

Costs Decision

Site visit made on 3 November 2026

by M Ollerenshaw BSc(Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2026

Costs application in relation to Appeal Ref: APP/T5150/C/25/3370129
13 Walton Close, London, NW2 6EQ

- 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 the Council of the London Borough of Brent for a partial award of costs against Mr Mohammed Nawrozzadeh.
- The appeal was against an enforcement notice alleging without planning permission, the material change of use of the premises to a mixed use as a HMO (House in Multiple Occupation) and short-term letting accommodation.

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, in either a procedural or substantive way, and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

3. Examples of unreasonable behaviour by an appellant are set out in the PPG, and include resistance to, or lack of co-operation with the other party or parties in providing information, discussing the application or appeal, or in responding to a planning contravention notice (PCN). An appellant is also at risk of an award of costs being made against them if an appeal is withdrawn without good reason, or the appeal or ground of appeal had no reasonable prospect of succeeding.

4. The Council's application for costs is made on both procedural and substantive grounds arising from the appeals on grounds (c) and (e), which the Council considers had no prospect of success and thus resulted in wasted expense.

5. The Council contends that the appellant behaved unreasonably by failing to cooperate in providing information and evidence, in responding to the PCN, and by the late withdrawal of the appeal on ground (c) without explanation.

6. The Council states that the appellant did not submit a statement of case and therefore behaved unreasonably in failing to present full and detailed evidence to support his case. However, the appellant did submit a statement of case with his appeal on 30 July 2025, to which the Council had the opportunity to respond. I therefore do not find unreasonable behaviour in this respect.

7. The appeal was originally made on grounds (e), (c), (f) and (g). Under ground (c), the appellant argued that the use as short-term letting accommodation was

incidental to the HMO use and did not materially alter the character of the overall use of the premises. The appellant therefore contended that the alleged mixed use did not constitute a breach of planning control.

8. In responding to the appellant's case, the Council requested that the appeal be dealt with by way of an inquiry due to clear issues of fact in dispute between the parties and the complexity of the issues raised by the appellant. However, in his final comments the appellant withdrew the appeal on ground (c), stating that the inquiry procedure is unnecessary given that the complex legal issues previously raised no longer fall to be considered. Despite being professionally represented the appellant has not explained the reasons for the withdrawal of ground (c) at a late stage in the appeal process. There is no indication that there had been a material change in the Council's case or in circumstances relevant to the planning issues arising on the appeal. In the absence of any explanation for the withdrawal of ground (c), and given the advanced stage in the proceedings, I find that the appellant acted unreasonably in pursuing that ground of appeal. Its withdrawal resulted in the Council incurring unnecessary expense in preparing its case in relation to that ground.

9. In relation to the appeal on ground (e), the Council argues that the appellant should have identified individuals who might have been prejudiced by failure of service to enable this ground to be properly assessed, particularly given that the nature of short-term letting is no longer being examined.

10. In his statement of case, the appellant says the property is occupied by multiple tenants under separate tenancy agreements and that those occupiers were not served individual copies of the notice, thereby causing procedural injustice. However, as part of his response to the PCN, the appellant did not provide the names of the occupiers of the property despite being asked for such details, and copies of the tenancy agreements were also not provided. The appellant's response did not therefore assist the Council in establishing the identity of the occupiers and, in turn, whether any additional persons had an interest in the land requiring service of the notice. Had the appellant provided those details, it is likely that the ground (e) appeal could have been avoided. The appellant has not identified any individual who should have been served with the notice but was not and has been prejudiced as a result. I therefore find that the appellant's failure to provide a full response to the PCN, together with details of any individual allegedly prejudiced by a failure of service, was unreasonable and resulted in the Council being put to wasted expense in dealing with a ground (e) appeal that was unsubstantiated and had no reasonable prospect of success.

11. The Council says that the appellant has not explained how the caselaw referred to in his submissions should be applied in this appeal. However, the appellant has provided some commentary on the relevance of those cases. Even if that analysis lacks detail, I am not persuaded that this amounts to unreasonable behaviour.

12. Notwithstanding this, I find overall that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated in respect of the appeals on grounds (c) and (e) and that an award of costs is justified.

Costs Order

13. 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 Mohammed Nawrozzadeh shall pay to the Council of the London Borough of Brent, the costs of the appeal proceedings described in the heading of this decision, limited to those costs incurred in dealing with the appeals on grounds (c) and (e); such costs to be assessed in the Senior Courts Costs office if not agreed.

14. The applicant is now invited to submit to Mr Mohammed Nawrozzadeh, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

M Ollerenshaw

INSPECTOR