



Department for  
Communities and  
Local Government

Mr W Kumar  
Utopia Property Sales Ltd  
14 - 16 Great Pulteney Street  
LONDON  
W1F 9ND

Our Ref: APP/X5210/A/14/2212605

20 March 2015

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990  
APPEAL BY UTOPIA VILLAGE SALES Ltd  
UTOPIA VILLAGE, 7 CHALCOT ROAD, LONDON NW1 8LF  
APPLICATION REF: 2013/6589/P  
APPLICATION FOR AN AWARD OF COSTS**

1. I am directed by the Secretary of State to refer to the enclosed letter notifying his decision on the appeal against the decision of Camden Council (the Council) to refuse prior approval for: the change of use of Utopia Village, 7 Chalcot Road (excluding units 8c, 11 and 11a) from offices (Class B1a) to residential use (Class C3) to include up to fifty three dwellings, in accordance with application 2013/6589/P dated 9 October 2013.
2. This letter deals with your application for a full award of costs against the Council.
3. The application for costs as submitted and the response of the Council are recorded at paragraphs 1 - 15 and 16 - 28 respectively of the Inspector's costs report, a copy of which is enclosed.
4. In planning appeals, the parties are normally expected to meet their own expenses, and costs are awarded only on grounds of "unreasonable behaviour" resulting in unnecessary expense. The applications for costs has been considered by the Secretary of State in the light of planning guidance published on 6 March 2014, specifically the guidance therein on the award of costs in planning appeals, the Inspector's costs report including the parties' submissions and responses on costs, the appeal papers and all the relevant circumstances.
5. The Inspector's conclusions and recommendation are stated at paragraphs 29 - 35 of her costs report. The Inspector recommended that only a partial award of costs should be granted for reasons set out at paragraph 31 of her costs report.

Julian Pitt  
Planning Casework Division  
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6. Having considered all the available evidence and also having regard to the guidance on the award of costs in appeals, the Secretary of State agrees with the Inspector's conclusions in her costs report and accepts her recommendation on costs. Consequently he has decided that your application for a full award of costs is not warranted, but that partial costs is warranted due to the Council's unreasonable behaviour in relation to refusal reason 5 which led to what the Inspector considered to be at least some wasted expense on your part (costs IR31).
7. Accordingly, the Secretary of State, in exercise of his powers under section 250(5) of the Local Government Act 1972 and sections 78 and 320 of the Town and Country Planning Act 1990, HEREBY ORDERS that Camden Council shall pay to Utopia Property Sales Ltd its partial costs of the inquiry proceedings, limited solely to the unnecessary or wasted expense incurred in respect of refusal reason 5, such costs to be taxed in default of agreement as to the amount thereof.
8. You are invited to submit to the Council details of those costs, with a view to reaching agreement on the amount. A copy of the guidance note on taxation is enclosed.
9. There is no statutory provision for a challenge to a decision on an application for an award of costs. The procedure is to make an application for judicial review. This must be done promptly.
10. A copy of this letter has been sent to the Council.

Yours faithfully

*Julian Pitt*

**JULIAN PITT**

Authorised by Secretary of State to sign in that behalf