

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**  
**COSTS APPLICATION ON BEHALF OF THE LONDON BOROUGH OF CAMDEN**

**Appellant:** Mr Shital Thakkar  
**Appeal Site:** 64 Lincoln's Inn Fields, LONDON, WC2A 3JX  
**PINS Ref:** APP/X5210/Y/16/3144794  
**LPA Ref:** 2015/4125/P  
**Date:** 6<sup>th</sup> May 2016

1. This statement is in response to the appellants' application for the award of costs against the Local Planning Authority.
2. The appellant considers that the behaviour of the LPA has been unreasonable which has led to the Appellant having to incur unnecessary expenses by pursuing the matter at appeal and are expressed as follows:
  - a. *We have now had to appoint a Planning Consultant to deal with Camden as their unreasonable behaviour is not allowing us to move forward*
  - b. *We have had to appoint further consultants to advise us*
  - c. *Further meetings with specialists to see how we resolve matters*
  - d. *We have had 5 months of no progress on site the cost of this are being calculated*
  - e. *Works carried out due to the silence of Camden are now abortive and the cost of which is being calculated*

3. While the Council accepts a failure to determine the application within the 8 week time limit, the appellant received a clear and concise explanation as to the failings of the submission, both in emails and meetings (see below); as well as potential revisions to gain the Council's approval (see below) were provided so that an positive outcome could be provided.
4. The correspondence was as follows:
  - A substantive email exchange including Gideon Whittingham (LPA), Nick Baxter (LPA), Joseph Reader, Michael Johnson, Shital Thakkar (Agents on behalf of applicant), beginning on 18/08/2015 (see attached files) and onwards, outlining the submissions registration (Tue 18/08/2015 15:11), review (Thu 05/11/2015 13:54), failings (05 January 2016 15:34), necessary changes required to gain the Council's approval (Thu 04/02/2016 16:55), revisions and subsequent review (01 March 2016 14:48), all prior to the receipt of an appeal.
  - A site meeting on 03/02/2016 and 09/02/2016 (see emails dated: Tue 01/03/2016 15:10– with Nick Baxter and Joseph Reader and Shital Thakkar (Agent on behalf of applicant), in which it was clearly outlined what the submissions failings were and the necessary changes required to gain the Council's approval, all prior to the receipt of an appeal.
  - A meeting at Council offices on 26/09/2015 with Gideon Whittingham (LPA), Nick Baxter (LPA) and Joseph Reader and John Cousins (Agents on behalf of applicant), outlining the submissions failings, revisions, potential acceptable works and/or necessary changes required to gain the Council's approval, all prior to the receipt of an appeal.
5. The open nature of dialogue and invitation of site visits and meetings with the appellant is typical in instances where revisions could take place, potentially avoiding a refusal. Camden always seeks to provide a positive outcome and therefore always seeks revisions to an initially unacceptable scheme, rather

than simply determining unacceptable proposals where possible and this application is no different. Therefore a decision was withheld to allow further discussions with the appellants.

6. The appellant was therefore afforded the opportunity to amend the application based on plan and again once a site visit had taken place, at which point the Council was made aware that the unacceptable and unauthorised works previously submitted on plan and discussed had already begun.
7. The substantive nature of unacceptable and unauthorised works to have taken place by the appellant has resulted in an impasse, for which the Council wishes to seek redress. Rather than refusing the application, the Council sought to seek a suitable alternative and provided significant expertise (Senior Planning Officers, Senior Conservation Officers, Building Control Officers) for the benefit of the appellant.
8. The Council does not therefore accept that any unnecessary costs have been incurred by the appellant. The matters of amendment required for an acceptable application were put forward to the appellant prior to the submission of the appeal. It is the Council's view that the amendments sought fell within the remit of the agent, whom provided revisions, albeit of an unacceptable nature. The requirement for further specialists is therefore queried and further advice could have indeed been sought from the Council.
9. Based on the appellants' evidence forming part of the appeal submission, the Council does not therefore accept further costs have been incurred by the appellant. As a public authority, in charge of public funds, it is the Council's duty to ensure that when it is required to pay the costs of a third party's consultants, it is paying no more than is entirely reasonable, necessary and justified and only those costs that are covered and directly attributable to the presentation of the case.
10. The appellants' appeal submission is fleeting insofar as it indicates that specialists were required, however, for the Council to be in a position to

assess the reasonableness of the costs the Council will need all invoices, timesheets, receipts and disbursements and a full breakdown of the costs. In addition the appellant will need to explain how these are justified, particularly given that during the significant discussions held with the Council, no external expertise was presented nor attended any meeting.

11. With regard to the fee earners, the Council needs this information in order to be able to assess the reasonableness of the work that was undertaken and the specific time (and cost) that was spent for doing what work and how it relates to the Council's actions.
12. The Council has behaved entirely reasonably in exercising its judgement in assessing the Approval of Details application. The Council has substantiated its reasons for refusal both within the Officers Report (were the scheme delegated) and in the Appeal Statement.