



Application for an award of appeal costs

You can use this form as a template if you wish to apply for costs in:-

- a written appeal
- an appeal going to a hearing or inquiry, but you wish to give advance notice of an application for costs
- an appeal which is withdrawn (or where the enforcement notice is withdrawn).

Notes to help you are in part D

A. Information about the claimant

Full name: **Citadel Investments**

Address: **C/O Agent**

Postcode: Your reference:

Daytime telephone No: Fax no:

Email address:

Status (Appellant/Local Planning Authority/Interested Party):

Appellant

Agent's Name (if applicable): **Nathaniel Lichfield & Partners**

Agent's Address: **14 Regent's Wharf, All Saints Street
London**

Postcode: **N1 9RL** Reference: **CL15081**

Daytime telephone No: **020 7837 4477** Fax no: **-**

Email address: **mjwilliams@nlppanning.com**

Date Received (Official use)

B. Information about the party being claimed against

Full name: London Borough of Camden

Address: Town Hall, Judd Street

London

Postcode: WC1H 9JE

Status (Appellant/Local Planning Authority/Interested Party):

Local Planning Authority

C. Information about the appeal

Planning Inspectorate appeal reference number APP/.....

(Please quote all appeal reference numbers if the costs application relates to more than one appeal)

Name of Local Planning Authority: London Borough of Camden

Description of the development:

Installation of additional fence above existing fence and gates (part retrospective)

Address of the site: 1-8 Harmood Grove,
London NW1 8DH

D. Notes for guidance on your costs application – please read before going ahead

Appellants, local planning authorities and anyone else involved with the appeal (the parties) are normally expected to cover their own expenses. But anyone involved in the appeal can ask the Secretary of State or appointed Inspector to order that one party pays some or all of another party's costs. Before agreeing to this, we will have to be sure that:

- the person applying was put to unnecessary or wasted expense in the appeal
- because of the unreasonable behaviour of the other party.

An award can only be made if both these tests are met.

Please write (in section E) how you think the other party has acted unreasonably and what expense this has caused you. **Please note that only the unnecessary or wasted costs of the appeal itself can be recovered by an award.**

Before going ahead with an application, your attention is drawn to The National Planning Practice Guidance web-based resource, which contains advice on the award of costs, in the Appeals section.

While there is no formal procedure or application form for making an application for costs you can use the template (below) to make an application for costs in writing.

The decision on your application will not go into the actual amount of costs involved – only the principle and, if an award is made, what the award is broadly for. So there is no need to state the actual amounts you are seeking. If an award is made, the parties will need to settle the amounts involved between them by negotiation; or, if that fails, by applying to the Senior Courts Costs Office for an independent decision on the matter.

When using the costs application form, to give advance notice of a costs application in a hearing or inquiry case, please send a copy of your completed application to the other party.

Please also note there are time limits for making a costs Application depending on the procedure for deciding the appeal. The Award of Costs Guidance provides relevant information.

E. Your costs application

Please state whether you are applying for a full or partial award of costs and what you think is:

- the unreasonable behaviour which has caused you unnecessary or wasted expense in the appeal

This application is for full award of costs due to the unreasonable behaviour of the London Borough of Camden's (LBC) Planning Department.

Paragraph 187 of the NPPF states that:

"Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area."

In determining the planning application for the installation of additional fencing at 1-8 Harmood Grove, the LBC failed to follow due process set out in the NPPF. On a number of occasions we sought to work with the case officer to agree a compromise that could be supported. However, he failed consistently to provide any constructive feedback on what the main issues or concerns were with the proposal and how they could be rectified. LBC therefore failed to work in a positive and proactive way in determining this planning application. The Case Officer effectively arrived at his decision without visiting the site and therefore had not properly assessed the effect of the proposal on the wider street scene.

On a number of occasions, the applicant was advised by the Case Officer that the application was going to be refused, and that, this should not be a problem as the applicant could appeal straight after determination. No reasoning was given as to why the application proposal was not suitable, and the Case Officer refused to confirm what would be considered an acceptable extension to the fencing.

The fact that the Case Officer refused to come to any compromise but instead encouraged the applicant to appeal the decision, even before a formal decision had been made, shows that the LBC exhibited unreasonable behaviour which resulted in the applicant's wasted expense, in time and in monetary terms, by having to appeal the decision. The need to appeal could have been eliminated if the Case Officer had engaged in proactive negotiations with the applicant during the determination period.

If it for this reason that the appellant is applying for a full award of costs. An appeal could have been avoided if the Council had worked proactively with the appellant to come to a compromise, as is encouraged by the NPPF.

- your unnecessary or wasted expense in the appeal (not the amount, but the kind of expense)

As explained above, the appellant was told by the LBC to appeal the decision to refuse planning permission during the determination process. Potential issues could have been dealt with during the determination period if the LBC had acted in a proactive and positive way and had engaged with the applicant.

LBC's actions have resulted in the appellant incurring additional expense by having to instruct an agent to produce a comprehensive appeal application. Not only this, but the reason for the proposal was for increased security following a number of break-ins. The time it will take to appeal the decision further delays the appellant from installing adequate security measures at their property.

Please sign below

I understand that:

(a) use of this form is voluntary, and that the Planning Inspectorate may use the information I have given for official purposes in connection with the processing of my application for an award of costs;

(b) the costs decision resulting from processing my application will be published on the Planning Portal and will include relevant names but not addresses.

By signing this form I am agreeing to the above use of the information I have provided.

I have completed all sections of the form and confirm that details are correct to the best of my knowledge. (Please note: signature is not necessary for electronic submissions)

Signature

On behalf of **Citadel Investments**

Name (in capitals) **MATTHEW WILLIAMS**

Date **01-07-2016**

The gathering and subsequent processing of the personal data you give on this form accords with the terms of the Planning Inspectorate's registration under the Data Protection Act 1998. More about the Planning Inspectorate's handling of personal information can be found in our "Personal Information Charter":

<https://www.gov.uk/government/organisations/planning-inspectorate/about/personal-information-charter>

Please note exceptions below but otherwise send this form and any supporting documents to:

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

For the attention of your appeal case officer

Or e-mail it to the email address as shown on the letter(s) you have received from your appeal case officer.

Exceptions - please note:

(1) Householder Appeals Service (HAS) & Commercial Appeals Service (CAS)

Please ensure your costs application – if you wish to make one - is with your appeal form when submitting a HAS or CAS appeal. If you are submitting your costs application via the Planning Casework Service on the Planning Portal please attach it to the grounds of appeal as a separate document

If using the postal service please send your completed HAS/CAS appeal form along with your costs application to the address quoted on the appeal form.

(2) Tree Preservation Order (TPO) appeals

In the case of a written TPO appeal any application for costs should normally be made at the same time as the appeal. E-mail to: environment.appeals@pins.gsi.gov.uk or send the form to:

The Planning Inspectorate
For the attention of the Environment Team
Room 3/25
Hawk Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN