



Costs Decision

Site visit made on 21 May 2025

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2025

Costs application in relation to Appeal Ref: APP/Q5300/W/24/3355025

59 Weir Hall Road, Edmonton, Enfield N18 1EL

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Feld for a full award of costs against the Council of the London Borough of Enfield.
 - The appeal was against the refusal to grant subject to conditions planning permission for a change of use from a single dwelling (Class C3) to 5-bed HMO (Class C4) for up to 5 occupiers. A ground floor rear extension. Provision of cycle and refuse storage. Following the approvals of 24/02512/PRH / 24/01478/FUL.
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Decision

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

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 and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant claims the Council has behaved unreasonable due to procedural errors when it determined the planning application; its misapplication of policies; and inconsistent decision making. The Council has sought to defend its decision.
4. In my decision on the planning appeal, I found that the proposed development would, due to its unacceptably small and cramped area of communal kitchen/living space, be harmful to the living conditions of its future occupiers. In doing so, I found the proposed development to conflict with relevant policies of the development plan that required high quality development and adequately sized rooms, that were functional and flexible.
5. The Council's reference to Technical Standards, Nationally Described Space Standards, dated March 2015 (NDSS) was found to have not been properly applied. It refers to space standards for new dwellings, whereas the proposal is for a House in Multiple Occupancy (HMO) (Use Class C4) and the NDSS is not directly relevant to the appeal proposal. The Council has misapplied the NDSS in this case, which is unreasonable behaviour. Furthermore, the Council has stated that 18 square metres would be required for a kitchen/living area, although it has failed to properly justify that size in support of its decision, and this also constitutes unreasonable behaviour.
6. Although it is accepted that the Council's reference to its HMO Standards, revised March 2021, is reasonable, and notwithstanding the doubt as to how its space

standards applied to the appeal scheme, it was capable of being a material consideration. The Council also acknowledged that the proposed kitchen/living space would have exceeded the minimum size for a kitchen and kitchen/dining space within those standards.

7. The comments by the Council in response to the layout of the communal area, including whether a dining table could be accommodated, relate to the quality of the proposed communal space. This is a subjective assessment on whether the proposed development would provide future occupiers with satisfactory living conditions and is directly related to the requirements of the relevant development plan policies and the Framework. I have undertaken a similar assessment in my decision. Whilst furniture layout is not explicitly set out within policy, there is a requirement for the space to be high quality, functional, and flexible. It is reasonable to assess how the space could be used for 5 no. occupiers and whether it would adequately cater for them all, including where they could all eat food that was prepared in the kitchen/living space. I do not find the Council's assessment regarding the quality of the kitchen/living space to be unreasonable.
8. The applicant's reference to an earlier approval for a 3-person HMO was found not to be comparable to the appeal scheme, and whilst a dining table was not shown on the layout for that approval, ultimately it was a larger space, it would have been used by fewer people and there would have been greater flexibility to alter that layout if necessary. As such, I did not find it to be sufficient justification for the size of the internal communal space on this appeal scheme, and it was not unreasonable behaviour for the Council to have also taken the same view.
9. In light of the above, I find that the Council has behaved unreasonably. However, in light of my decision, and the proposed development's conflict with the relevant development plan policies, the appeal could not ultimately have been avoided and unreasonable behaviour resulting in unnecessary or wasted expense has not occurred.

Conclusion

10. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

A Hunter

INSPECTOR