



Costs Decision

Site visit made on 25 March 2025

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2025

Costs application in relation to Appeal Ref: APP/Q5300/W/24/3353390 70 Kings Road, Enfield, Edmonton N18 2PN

- 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 Damen for a full award of costs against the Council of the London Borough of Enfield.
 - The appeal was against the refusal of planning permission for development.
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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. Awards against a local planning authority may be either procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal.
3. The applicant contends that the layout of the proposed communal kitchen area is identical to the layout assessed under the previously refused application¹. They state that raising concerns regarding its adequacy represents an inconsistent shift in decision-making that misled the applicant and caused unnecessary delays. Whilst the proposed kitchen communal area is identical in size, the previous scheme included another kitchen area within an outrigger dormer. Consequently, there is a material difference between the two schemes. The quality and size of the proposed kitchen is therefore of more importance given it would be the only internal communal area available to the occupants. I find it was reasonable for the Council to reassess the proposed layout in the interest of the living conditions of the future occupiers.
4. Furthermore, the Council referred to Policy D6 of the London Plan 2021, which sets space standards for self-contained residential dwellings. Whilst the HMO Standards are under a separate regime, Policy D6 is still relevant given it states all housing development should provide comfortable and functional layouts. The Council did mistakenly refer to space standards for a 5-bedroom 6 persons unit despite the proposal being for a maximum of 5 occupants. Notwithstanding this, the Council did not solely rely on a quantitative assessment of the room's size but also its qualitative aspects, its arrangement with regards to the cooker and pantry and its functionality.

¹ Application ref 24/01154/FUL

5. Even without the reference to the space standards, the proposal was still considered unacceptable and in conflict with the relevant policies of the Development Management Document (2014). Consequently, it would still have been necessary for the applicant to submit the appeal.
6. The applicant also states that the Council failed to acknowledge the additional amenity space provided and refers to a 14.48 sqm communal room. However, it is not clear which room the applicant is referring to. The proposed plans do not indicate an additional communal room and the provision of garden space, which is external, does not outweigh the failure to provide satisfactory internal communal space.
7. The Council did not display an over-reliance on the appeal decision at 21 Rydal Way. It served to illustrate their reasoning with regards to the adequacy of the proposed kitchen. The scheme allowed as part the appeal decision referred to by the applicant², comprised a kitchen with table and chairs. Its functionality and adequacy as a communal kitchen is therefore not comparable to the proposal. It does not demonstrate that the Council inappropriately erred in their assessment of the proposal.
8. On the second reason for refusal related to the refuse storage, whilst I found that the provision would be satisfactory and further details could be requested with the imposition of a planning condition, the Council were entitled to consider that the information provided to them by the applicant was unclear and insufficient. Although the PPG encourages the use of planning conditions to resolve issues, it is within the Council's remit to judge whether to do so or not.
9. I am satisfied on the basis of the evaluation of the planning merits set out in the Council Officer's Report that the Council has shown a clear rationale for its decision in light of the disputed assessment over the adequacy of the communal space and refuse provision and has provided a balanced commentary on the other material planning considerations. A full and reasonable assessment of the proposal against the Development Plan and other material considerations has therefore been undertaken by the Council during the course of the planning application. In the absence of any conclusive evidence to the contrary, I am unable to conclude that the Council has acted unreasonably in their assessment and determination of the proposed development.
10. The applicant also contends the Council failed to engage constructively and ignored opportunities to clarify or address concerns. The duty to engage constructively set out in the National Planning Policy Framework does not oblige Councils to engage in discussions during the assessment of planning applications.
11. What's more, the Council emphasised at validation stage that the submission of additional information and amendments as well as requests for extensions of time would not be accepted. Whilst it is regrettable that a more cooperative and proactive approach could not be adopted, the Council has highlighted that the planning department is undergoing a planning improvement scheme with a view to clear a backlog of cases. This has therefore limited their capacity to engage with applicants. For these reasons, I do not consider that the Council has displayed unreasonable behaviour that is procedural in nature.

² Appeal decision ref APP/Q5300/W/22/3306709

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

Thomas Courtney

INSPECTOR