



Costs Decision

Site visit made on 22 May 2022

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2025

Costs application in relation to Appeal Ref: APP/Q5300/D/25/3361726 150 Brimsdon Avenue, Enfield, London EN3 5HY

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Fernando Domingo for a full award of costs against the London Borough of Enfield Council.
 - The appeal was against the refusal planning permission for the demolition of existing outbuilding and replacement with new larger outbuilding to be used as a granny annexe.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance 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 single reason for refusal given by the Council was the absence of an adequate flood risk assessment (FRA). The same reason given for refusal of an earlier application for the same proposal. However, a comprehensive FRA was submitted with the revised application that is the subject of the appeal, and the FRA was itself revised during the application process resulting in a final FRA that addresses queries and points raised by the council during the application process.
4. From the documents submitted for this appeal, there appears to have been some confusion as to whether the final FRA was used for the basis of the comments on the application on which the reasons for refusal was based, although it is not clear whether this is actually the case. However, the officer's report does list areas of risk or management measures of the final FRA as being inadequate or entirely absent that are actually present and/or fully detailed and evidenced in the final FRA.
5. The applicant's statement clearly sets out the areas where the Council's reasons for refusal of the application were addressed in the FRA and demonstrates that no required information was absent. I find that the applicant's statement fully and accurately presents the final FRA and have found that the final FRA was adequate and complete and that the reason given by the Council for refusal was not justified. The Council did not submit a statement of case in response to that submitted by the applicant and have not taken any opportunity that the appeal process provides to withdraw their reason for refusal of the original application. The applicant has, therefore, pursued an appeal that should have been unnecessary.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance has been demonstrated and that a full award of costs is justified.

Costs Order

7. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the London Borough of Enfield Council. shall pay to Mr Fernando Domingo, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
8. The applicant is now invited to submit to the London Borough of Enfield Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Victor Callister

INSPECTOR