
Costs Decision

Site visit made on 29 April 2025

by **Thomas Courtney BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 July 2025

Costs application in relation to Appeal A Ref: APP/Q5300/W/24/3350688

95 New Park Avenue, Enfield, Southgate N13 5NA

- 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 Kujtim Bajraktari (Kiks Group Ltd) 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 the change of use from Use Class C3 (single dwelling house) to Use as Sui Generis, HMO (House in Multiple Occupation) for up to 8 people, involving demolition of existing single storey rear extension and erection of a rear ground floor extension, loft conversion and dormer extension at rear with roof lights at the front.
-

Costs application in relation to Appeal B Ref: APP/Q5300/W/24/3350687

95 New Park Avenue, Enfield, Southgate N13 5NA

- 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 Kujtim Bajraktari (Kiks Group Ltd) 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 the change of use from single dwelling house (Use Class C3) to (HMO) House in Multiple Occupation (Use Sui Generis) for up to 7 people, involving demolition of existing single storey rear extension and erection of single storey rear extension, loft conversion with rear dormer and roof lights at front and side.
-

Decision

1. The applications for an award of costs in relation to Appeal A and Appeal B are 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, for both applications, the Council acted contrary to case law and did not adequately reason how the proposed conversions would be harmful and how they would differ from the scheme permitted at 65 New Park Avenue¹.
4. For both appeals, the Council provided adequate reasoning to conclude both schemes would harm the living conditions of neighbouring occupiers. The Council

¹ Application ref 19/02594/FUL

Officer's Reports refer to No 65 and the fact it has been converted to flats. Councils are not obliged to make specific comparisons to other developments given each proposal is assessed on its own merits. In any case, the scheme at No 65 is not entirely comparable given it is not an HMO.

5. The applicant also refers to other approved HMO conversions². However, I do not have the full details of these schemes and cannot assess whether they are entirely comparable to the proposals before me.
6. In relation to Appeal A, the Council set out their view that the proposed HMO for 8 occupants would not provide satisfactory communal space and access to the external amenity space. I find the assessment was sufficiently adequate and concise. With regards to this reason for refusal, the proposal was considered to be harmful to the living conditions of the future occupiers and in conflict with the relevant policies of the Development Management Document (2014) (DMD).
7. Even without the second reason for refusal, the Appeal A proposal was still considered unacceptable. Consequently, it would still have been necessary for the applicant to submit the appeal.
8. I am satisfied on the basis of the evaluation of the planning merits set out in the Council Officer's Reports that the Council has shown a clear rationale for its decisions in light of the disputed assessment over the adequacy of the HMO conversions and has provided a balanced commentary on the other material planning considerations. A full and reasonable assessment of the proposals against the Development Plan and other material considerations has therefore been undertaken by the Council during the course of both planning applications. 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 developments.
9. Therefore, overall, I find unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs in relation to Appeal A and Appeal B is not warranted.

Thomas Courtney

INSPECTOR

² Applications ref 22/04161/FUL and ref 22/02358/FUL