
Costs Decision

Site visit made on 3 June 2025

by **Beverley Wilders BA (Hons) PgDURP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 July 2025

Costs application in relation to Appeal Ref: APP/Q5300/W/24/3357726 69 Chase Side, Southgate, Enfield N14 5BQ

- 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 East Kent Leasing Limited 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 Change of use of the ground floor commercial premises from Financial Services (Class E(c)(i)) to Adult Gaming Centre (Sui Generis) with 24/7 hours operation and minor alterations to the shopfront.
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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. Paragraphs 046 to 049 of the PPG set out the circumstances when the behaviour of a local planning authority might lead to an award of costs. These can either be procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal.
4. Examples of unreasonable behaviour by a local planning authority includes preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations and failure to produce evidence to substantiate each reason for refusal on appeal.
5. The appellant's case is essentially that the Council has behaved unreasonably in refusing to withdraw reasons for refusal 1 and 2 following the issuing of an appeal decision on 26 March 2025 regarding a site at Green Lanes in the same local planning authority area (Ref APP/Q5300/W/24/3356297). The Inspector determining the Green Lanes appeal concluded that Policy DMD33 of the Development Management Document (DMD) adopted November 2014 (DMD) is not applicable to adult gaming centres (AGCs). Further, the Inspector concluded that DMD Policy DMD27 was not relevant to that case as the previous use was a bank and not a retail use.
6. The Green Lanes appeal decision was issued relatively recently, sometime after the Council's refusal of planning permission, after the appeal had been submitted

and after the submission of the Council's Statement of Case. The deadline for final comments had also passed. Nevertheless, given its relevance to the proposal, I accepted the late submission of the Green Lanes decision by the appellant and the Council has been given the opportunity to comment on it.

7. The Green Lanes appeal was determined following a hearing and the Inspector's conclusions on that case were reached based on the evidence before them. Similarly, my decision is based on the evidence before me. The issuing of the Green Lanes appeal decision is a material consideration given that it concerns the same type of development in the same local planning authority area. However, the weight to be given to it is a matter of judgement for the decision maker, in this case me.
8. Notwithstanding the Green Lanes appeal decision allowing an AGC in the Council's area, and despite requests from the appellant, the Council stands by its decision to refuse an AGC at the appeal site for the three reasons set out on the decision notice. Noting that the weight to be given to the Green Lanes appeal decision as a material consideration is a matter of judgement for me, the Council's behaviour in this regard is not unreasonable, particularly given its view that each case should be determined on its own merits and based on the site specific circumstances.
9. Moreover, the timing of the Green Lanes decision, quite late in the appeal process when all evidence had been prepared and submitted, means that even if the Council had agreed to withdraw reasons for refusal 1 and 2 at that stage, any costs to the appellant in dealing with these reasons had already been incurred.
10. Whilst I take a different view to the Council about the relevance and applicability of DMD Policy DMD33 to AGC's, and about whether the proposal adversely affects the vitality, viability and character of Southgate District Centre, I consider that the Council provided sufficient evidence to substantiate reasons for refusal 1 and 2. It has not therefore acted unreasonably in this regard.
11. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all matters raised, an award of costs is not justified.

Beverley Wilders

INSPECTOR