



Costs Decision

Site visit made on 24 July 2025

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2025

Costs application in relation to Appeal Ref: APP/T5150/W/25/3364415

93 Barry Road, Brent, London NW10 8DE

- 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 Usher Mann (Keren Invest Ltd) for a full award of costs against the Council of the London Borough of Brent.
- The appeal was against the refusal of planning permission for a single storey rear extension in association with the change of use from a 5-bedroom 6-person HMO to a 6-bedroom 6-person HMO.

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 provision of purposefully designed or dedicated defensible space is advocated by the Council's Houses in Multiple Occupation Supplementary Planning Document (the SPD) in those instances where a development would result in bedrooms having windows facing directly onto communal external amenity spaces. The proposed development would fail to provide this purposefully designed or dedicated defensible space. Therefore, the Council's identification that there is some disparity between the proposal and some of the content of the SPD is accurate.
4. It is also the case that the SPD sets out the cycle parking standards for HMO developments: 1 long stay space per occupant and 2 visitor spaces for 5 or more occupants. The Council has indicated that the proposal should provide sufficient cycle parking for all of the occupants which would reside within the property once the development is completed. Such provision is not proposed.
5. Despite this, in my appeal decision, I have identified mitigating factors and that the external amenity space which would serve the completed development would fare well against other relevant content of the SPD. I have set out my view that in applying development plan policies, and supplementary guidance, regard should be had to a proposal's context. In this case, that context is that an HMO with multiple occupants already exists, and the proposal would not introduce a type of relationship between bedrooms 2 and 3 and the external amenity space which is not already at play.

6. Overall, I have concluded that the proposal complies with the SPD as well as relevant policies within the development plan in relation to both external amenity space and cycle parking.
7. However, the weight, if any, which should be given to a particular material consideration is a matter for the decision maker's discretion. Furthermore, the application of policies and guidance requires the exercise of judgement, and views on compliance can vary between those making the judgement.
8. It seems to me that the Council have placed more weight than I on the proposal's failure to adopt a design which would adhere to each of the SPD's prescriptive requirements and standards. In turn, it also seems to me that the Council have attributed less weight on the subsisting conditions and context, but it is not clear to me that they have ignored these factors either.
9. Ultimately, I have not agreed with the Council's balancing act of factors relevant in the appeal, but balancing these factors is a judgement for the decision maker to make, and I consider that the Council has exercised this judgement in a reasonable way.
10. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred. I therefore conclude that an award of costs is not warranted.

H Jones

INSPECTOR