



Costs Decision

Site visit made on 30 July 2025

by **A Hunter LLB (Hons) PG Dip MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 September 2025

Costs application in relation to Appeal A Ref: APP/Q5300/W/25/3362233

18 Waggon Road, Enfield EN4 0HL

- 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 Mo Abbassi for a full award of costs against the Council of the London Borough of Enfield.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for the approval of all reserved matters (relating to appearance, means of access, landscaping, layout and scale) following the grant of outline planning permission.
-

Costs application in relation to Appeal B Ref: APP/Q5300/W/25/3362234

18 Waggon Road, Enfield EN4 0HL

- 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 Mo Abbassi for a full award of costs against the Council of the London Borough of Enfield.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for the approval of details pursuant to conditions, ref: 18/01591/OUT: condition 3- design of building and existing and proposed levels; condition 5- surfacing materials; condition 6 – planting; condition 7 – enclosure details; condition 9 -refuse storage facilities; condition 10 - cycle parking arrangements; and condition 11- surface water drainage (SuDs).
-

Decision

1. The application for an award of costs is refused for Appeal A and Appeal B.

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 applicant has made the appeal based on the Council's failure to make decisions on the applications relating to both Appeal A and Appeal B within the prescribed time frame and seeks a full award of costs due to what are said to be unjustified delays on both applications. The appellant seeks to recover the costs associated with preparing and making the appeals only.
4. Both appeals relate to the same outline planning permission¹ (OP), Appeal A seeks reserved matters approval (all details) and Appeal B relates to the approval of details relating to other conditions on the OP. The applications were both made on 15 September 2022, Appeal A was validated by the Council on 5th October 2022 and Appeal B was validated on 22 September 2022. It is said several amendments

¹ Ref: 18/01591/OUT

were made between validation and June 2023 on both applications, along with some further changes in response to comments from the Council's Tree Officer, which it is said the Council found acceptable on 10 October 2024. The applicant says the delays on Appeal A from October 2024 were due to the Council deciding that it had to be determined by its planning committee but not presenting the application to its committee. It is unclear why the application, now Appeal B, was not determined after 10 October 2024. After no progress, the applicant appealed on 12 March 2025 due to the Council's failure to decide on both applications (it is also understood the applicant tried to appeal for a similar reason in 2024, but that appeal was turned away).

5. There has been no response from the Council regarding the applicant's costs application. Although, its statement regarding Appeal A refers to additional information being required and provided after the application was submitted, and there being delays by both main parties. However, the Council does not explain the reason for the delays from 10 October 2024, and more than reasonable time was available for the Council to determine both Appeal A and B, including through its committee if necessary. In view of there being no adequate explanation for these excessive delays, and based on the information before me, the Council's failure to determine both Appeal A and Appeal B within the time available is unjustified, and the Council has behaved unreasonably.
6. However, in my decision, I found that the reserved matters application (Appeal A) has significant inconsistencies with the approved plans specified within condition no. 2 of the OP. Consequently, it was not possible for Appeal A to have been allowed.
7. In terms of Appeal B, I also found the proposed details relating to condition no's 3,5,6,7,9,10 and 11 to be inconsistent with the approved plans specified within condition no. 2 of the OP. Therefore, it was also not possible for those details to be approved and the appeal to be allowed, so Appeal B could also not ultimately have been avoided.
8. Whilst there has been unreasonable behaviour by the Council, due to irregularities between the OP and both Appeal A and Appeal B, the details required by condition on both appeals could not have been approved, and the appeals could not ultimately have been avoided in this case. Therefore, unreasonable behaviour resulting in unnecessary expense has not occurred in regard to both Appeal A and Appeal B in this case.

A Hunter

INSPECTOR