



Costs Decision

Site visit made on 3 September 2025

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 6th October 2025

Costs application in relation to Appeal Ref: APP/Q5300/C/24/3336324 143 Monmouth Road, London, N9 0JE

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Ahmed Masum for a full award of costs against the Council of the London Borough of Enfield.
 - The appeal was against an enforcement notice alleging the material change of use of part of the Premises to a separate unit of accommodation.
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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. Unreasonable behaviour can be substantive or procedural and a request for a full or partial award of costs.
3. Based upon the information provided, the claim is a procedural claim for full costs as the applicant maintains that the notice was invalid and the appeal should not therefore have proceeded.
4. The applicant states that the enforcement notice is invalid and the Council has not challenged the reasons for it be invalid and there was no breach. The applicant refers to giving sound reason that what has occurred is a typical garage conversion. The Council has not provided any proof of delegated authority that the officer who has signed and issued the enforcement notice is an authorised officer which has resulted in financial loss and a waste of time. The Council did not respond to the claim for costs.
5. However, as indicated in the appeal decision, the authorisation of an enforcement notice is not a matter that falls remit of this appeal. Any issues with regard to authority to sign and issue a notice is a matter for judicial review. Although the appellant refers to providing sound reasons that this is a typical garage conversion, any exchanges that took place with the Council before the appeal process are not before me. The Council issued an enforcement notice alleging a material change of use and the appellant through the appeal process was able to respond to the notice and did so in the appeal form.

6. The appeal succeeded on ground (b). The burden of proof in a ground (b) appeal is on the applicant, on a balance of probabilities, to show that the breach has not occurred. Whether or not there has been a material change of use is a matter for the decision maker based upon the notice and the information provided. The information provided for the appeal was limited to the notice, the appeal form and site visit observations.
7. Whilst the appellant maintained that there was no breach, the success on ground (b) arose after consideration of the information available and exercising planning judgement. Costs are not automatically awarded if the appeal succeeds. The costs application alleges that the lack of proof that the notice was authorised for signature and issue is unreasonable behaviour which is outside the remit of this appeal.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

E Griffin

INSPECTOR