



Costs Decision

Site visit made on 25 September 2025

by **M Cryan BA(Hons) DipTP MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 December 2025

Costs application in relation to Appeal Ref: APP/Q5300/W/25/3367433

6 Cambourne Avenue, Edmonton, London N9 8QG

- 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 Abraham Feld 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 a single-storey rear extension, rear dormer extension with front roof lights and the change of use from a single dwellinghouse (Class C3) to a 6-bed HMO (Class C4) with the provision of refuse and cycle storage.

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 (“the 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. Paragraph 047 of the *Appeals* section of the PPG gives examples of behaviour which may give rise to a procedural award of costs against a local planning authority, including “lack of co-operation with the other party or parties”¹. Paragraph 049 gives examples of behaviour which may give rise to a substantive award of costs against a local planning authority, including “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 “not determining similar cases in a consistent manner”². The applicant’s claim for an award of costs falls broadly within these examples.
4. The applicant firstly dealt with how the Council had applied minimum space standards, as set out in the nationally described space standard (“the NDSS”)³ and Policy D6 of the London Plan 2021. My attention was drawn to an earlier appeal decision in Enfield⁴ which had addressed the matter, and in which the Inspector considering an HMO scheme did not apply the national standard on the basis that the NDSS itself says that it is “relevant only to new dwellings and has no other meaning or use”⁵. The applicant also quoted advice in the *Housing: optional technical standards* section of the PPG that “the nationally described space standard does not apply to HMOs unless planning policy explicitly requires it”,

¹ Reference ID: 16-047-20140306 Revision date: 06 03 2014

² Reference ID: 16-049-20140306 Revision date: 06 03 2014

³ <https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard>

⁴ PINS Ref: APP/Q5300/W/22/3306709

⁵ Paragraph 2 of the NDSS

though the current version of the paragraph to which I was directed does not include that wording⁶.

5. I also note that Policy DMD5 of the 2014 Enfield Development Management Document states that conversion of existing residential units to HMOs will need to meet the internal floor space standards set out in the London Plan. Nevertheless, during the appeal the Council accepted that the standards in Policy D6 of the London Plan 2021 do not apply to HMOs. Even so, the NDSS and Policy D6 remain a useful indicator of what might be an adequate amount of living space, even where they are not a requirement of the development plan.
6. In this appeal, the question of whether the proposed development would provide adequate living space for future occupiers is necessarily addressed at some length in my main decision. I found that it would not, and my conclusion was based on the facts of the case before me rather than a rigid application of the NDSS or Policy D6 space standards.
7. The applicant considered that the element of the Council's reason for refusal relating to the amount of communal (including kitchen) space was not adequately evidenced. Again, this is dealt with in my main decision; suffice to say here that I found the Council's reasoning, as set out in its officer report and appeal evidence, to be quite clear and supported by the facts of the particular case. So far as consistency with other decisions is concerned, and the applicant's suggestion that the Council did not "properly consider appeal precedent and consistency obligations", I considered the examples which were put before me and found that none carried significant weight in favour of the appeal proposal which would have justified a different decision. I do not therefore find that the Council acted unreasonably in either of these respects.
8. It has also been put to me that the Council failed to "engage with the applicant to resolve minor matters through revisions", but no substantive evidence to support that assertion was put before me. Again, I do not find the Council acted unreasonably in this respect.
9. As I dismissed the appeal; I cannot conclude that the Council prevented or delayed development which should clearly be permitted. In any event, even if I were to find that the Council's initial approach to the application of space standards had been unreasonable, in order to make an award of costs, I need to be satisfied that any unreasonable behaviour resulted in unnecessary or wasted expense.
10. The applicant argues that had the Council "applied the correct policy framework and had regard to relevant precedent, the application would likely have been approved without appeal", and that the costs of "professional time in preparing this appeal and supporting documents", "compiling precedent, layout plans, and legal citations", and "opportunity costs and delay to the occupation and use of the property" were therefore unnecessary. The last of these elements is not even within the scope of the appeals costs regime⁷. As for the first two, even if the Council had not referred in its initial decision and officer report to the NDSS or the floorspace standards of the London Plan 2021, its overall conclusions in respect of the adequacy of the proposed HMO accommodation were sound. To my mind the

⁶ Paragraph: 020 Reference ID: 56-020-20150327

⁷ PPG Paragraph: 032 Reference ID: 16-032-20140306

applicant would therefore have been likely in any event to appoint a consultant to fight the appeal.

Conclusion

11. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

M Cryan

Inspector