Planning Inspectorate

Costs Decision

Site visit made on 6 January 2026

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 14th January 2026

Costs application in relation to Appeal Ref: APP/J1535/W/25/3375191
NJW Hair Ltd, 29 Highbridge Street, Waltham Abbey EN9 1BZ

- 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 Naim Zaman Choudhury, Abbey Trading Group Ltd, for an award of costs against Epping Forest District Council.
- The appeal was against the refusal of planning permission for the conversion of ground floor (currently class B1 offices) into a self-contained residential flat (class C3 dwellinghouse).

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 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. In this instance, the appellant states that the Council demonstrated unreasonable behaviour by misinterpreting curtilage law, imported considerations outside the scope of Class MA and relied on incorrect floor plans. The appellant also comments that the Council failed to substantively engage in the appeal. Consequently, it is alleged that these actions necessitated additional work which would not otherwise have been required.

4. It is further stated that the appellant incurred unnecessary costs in the appeal process by having to undertake legal research on curtilage and GPDO interpretation and correcting the Council's reliance on inaccurate plans.

5. In relation to whether the appeal building should be regarded as part of an adjoining listed building, the listed building legislation requires careful interpretation on attachment and curtilage. This requires an assessment based on the specific facts and circumstances of each case. Whilst ordinarily an adjoining building appearing as a distinct entity might not be included in the listing of a principal listed building, this is not always the case. Based on the curtilage tests derived from case law, it was not unreasonable for the Council to reach the view that the appeal building was part of an adjoining listed building. Consequently, the Heritage and Curtilage Statement prepared by the appellant with the appeal documentation resulted in this matter being clarified to my satisfaction.

6. In relation to the impact on the Conservation Area, neither party fully explored in any detail any likely effect on the character and sustainability of the conservation

area beyond noting that there would be no external physical changes. The Council referred to the property's location in the Secondary Commercial, Business and Service Frontage as an indication that commercial activity in the historic centre contributed to its character and viability. The Council considered that the loss of the commercial unit would therefore cause harm. It was not unreasonable to draw on this information, and it was necessary to further examine this likely impact at appeal.

7. I have little information relating to the suggestions that the Council failed to adequately engage in the appeal process or that officers considered incorrect plans whilst processing the application. Whilst this would have been frustrating for the appellant, it is unclear how this might have affected the Council's decision-making or how this contributed to unnecessary or wasted expense in the appeal process.

8. Accordingly, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision. The appellant had to address those concerns in any event.

9. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

G Bayliss

INSPECTOR