



Costs Decision

Site visit made on 17 February 2026

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2026

Costs application in relation to Appeal Ref: APP/T5150/W/25/3376358

59 College Road, Wembley, Brent HA9 8RN

- 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 Ahmed Agabani for a full award of costs against the Council of the London Borough of Brent.
 - The appeal was against the refusal of the Council to grant planning permission for a change of use from a single dwelling (C3 use) to a 4 bedroom/4 persons House in Multiple Occupation (C4 use).
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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 planning application was refused by the Council for a reason relating to the lack of a suitably sized shared kitchen and living room, and due to the loss of a family sized dwelling.
4. The applicant asserts the Council has behaved unreasonably for a number of reasons, including its interpretation of Brent's Houses in Multiple Occupation, Supplementary Planning Document, dated 2022 (SPD); not having regard to other decisions as material considerations; not finding harmful effects to support its reason for refusal; and allegedly making an unsupported claim regarding the loss of a family dwelling. The Council has responded to defend its decision and assessment of the proposed development.
5. In my decision, I found the loss of the family sized dwelling was not shown to be contrary to the development plan, and that the total shared internal amenity space would be acceptable. However, I did find the limited size and functionality of the proposed kitchen would be harmful to the living conditions of future occupiers, and the appeal was dismissed.
6. Regarding the loss of the family sized dwelling, I found the development plan policies the Council cited in its reason for refusal did not prevent the loss of a family sized dwelling. Furthermore, the Council did not properly substantiate this part of its reason for refusal in respect of identifying any harmful effects arising from such a loss. Moreover, it accepted that there is a need for HMO accommodation.

Therefore, the Council's inclusion of this part of its reason for refusal, without any adequate policy basis or identified harm, is unreasonable behaviour.

7. In terms of the part of the reason relating to the living conditions for future occupiers, I found the Council applied the reference to a 'household' within the SPD correctly to the proposed HMO in this case. Although the wording of the SPD could have made the requirements clearer and included relevant definitions, it did state a minimum size of 11 square metres for a shared kitchen serving up to 6 no. households, which the Council correctly identified. In this case, the proposed kitchen space was well short of the required minimum size, and I found as a result that it would likely be very cramped when accommodating all occupiers at the same time, with minimal space to manoeuvre between units/sink/cooker, causing harmful living conditions for future occupiers. The Council's assessment and its application of the SPD and relevant development plan policies in this respect is reasonable. I was also satisfied that the additional information the Council provided within its appeal documentation to support its reason for refusal was appropriate and reasonable.
8. However, the Council wrongly found the living room, which they calculated to be some 14.5 square metres or so in size, to be inadequate. When combined with the proposed kitchen, which they calculated to be 6.7 square metres in area, there would be a total shared internal amenity space of approximately 21 square metres. This would be above the minimum 20 square metres in total for the 4 no. occupiers, as required by the SPD, and it would meet the minimum 11 square metres for one individual communal internal space, which the SPD allows to be a separate space.
9. Nevertheless, whilst the communal living room and shared internal amenity space would be of a sufficient size overall, if the communal kitchen is substantially undersized, it does not automatically follow that combined these aspects are acceptable and would provide satisfactory living conditions for future occupiers. The Council suggested that one larger communal space may achieve this requirement, however, that was not part of the appeal proposal. Overall, the part of the Council's reason for refusal relating to harm for future occupier's living conditions from having inadequate shared internal amenity space was justified, and the Council did not act unreasonably in making this judgement.
10. The 3 no. planning permissions¹ for HMO developments elsewhere in Brent that were referred to by the applicant, are to varying degrees, different to the appeal proposal, I was satisfied that 2 of these examples were not directly comparable to the appeal proposal. Although one example was very similar, it had a different internal layout and did not appear to comply with the SPD in terms of its kitchen size, so the Council was not bound to follow that earlier decision. I am therefore content that the Council behaved reasonably by not considering those examples as significant material considerations that would outweigh the identified policy conflict in this case and justify the proposed development.
11. Given my findings in this case and the conflict with the development plan and the SPD regarding the limited size of the proposed kitchen, this appeal could not have been avoided. However, the loss of the family sized dwelling has not been properly justified in accordance with the development plan, nor has any harm been found as

¹ At 60 The Ridgeway; 7 Midstrath Road; and 88 Furness Road.

a result. Accordingly unreasonable behaviour in respect of this aspect only, has occurred.

12. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a partial award of costs is therefore warranted.

Costs Order

13. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the Council of the London Borough of Brent shall pay to Mr Ahmed Agabani, the costs of the appeal proceedings described in the heading of this decision, limited to the matters of the loss of the family sized dwelling; such costs to be assessed in the Senior Courts Costs Office if not agreed.

The applicant is now invited to submit to the Council of the London Borough of Brent, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

A Hunter

INSPECTOR