



Costs Decision

Site visit made on 4 March 2026

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 May 2026

Costs application in relation to Appeal Ref: APP/Q5300/W/23/3336102

70 Sketty Road, Enfield EN1 3SF

- 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 Pinchas Schwimmer of MPS INVEST LIMITED for a full award of costs against the Council of the London Borough of Enfield.
 - The appeal was made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
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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 applicant seeks a full award of costs on the grounds that the appeal was avoidable and the Council acted unreasonably in refusing to approve details pursuant to condition Nos 8 and 10.
4. In relation to condition No 8, the applicant alleges that the Council misinterpreted both the wording of the condition and the relevant planning policies by refusing to accept water-efficiency calculations that demonstrated compliance with the internal water consumption standard required by the condition.
5. In relation to Condition No 10, the applicant contends that the Council neither engaged with them to explain what further details, if any, were required to make the Sustainable Drainage Strategy acceptable, nor identified specific deficiencies in the submission. It is further contended that the application was therefore refused in error when the submitted information was sufficient to warrant approval.
6. In assessing the application for costs, I have had regard to the examples of unreasonable behaviour set out in the PPG.
7. As explained in my main appeal decision, the details submitted in respect of condition Nos 8 and 10 complied with the requirements of those conditions and with the development plan policies that informed them. Nevertheless, approval of those details was withheld.

8. In refusing to approve condition No 8, the Council relied on an interpretation of the submitted water-efficiency evidence that was inconsistent with the wording of the condition and relevant development plan policy. In maintaining that position, including during the appeal process, the Council failed to properly engage with clear evidence demonstrating compliance. This resulted in the unnecessary delay of a form of development that should clearly have been permitted, having regard to the condition wording and the development plan, amounting to substantive unreasonable behaviour under the terms of the PPG.
9. In respect of condition No 10, the Council relied on a drainage consultation response expressed in general terms and did not identify any direct failure to meet any specific criteria of the condition. The Council's appeal-stage submissions did not substantiate, with evidence, how or why the submitted Sustainable Drainage Strategy failed to comply with the condition as imposed. As such, the Council failed to produce evidence to substantiate its reason for refusal, again falling within an example of substantive unreasonable behaviour identified by the PPG.
10. Having found that the Council acted unreasonably in respect of condition Nos 8 and 10, I am satisfied that these actions directly resulted in the applicant incurring unnecessary expense in pursuing the appeal. On the available evidence, the appeal could reasonably have been avoided had the submitted details been properly assessed against the condition requirements. A full award of costs is therefore justified.
11. The applicant has raised additional concerns regarding the Council's handling of other conditions within the same application and its approach to engagement and decision-making. However, having found that the Council's unreasonable behaviour in relation to condition Nos 8 and 10 alone is sufficient to justify a full award of costs, it is not necessary for me to reach a definitive finding on these other matters.

Conclusion

12. For the reasons given, I conclude that the Council acted unreasonably in substantive terms by unnecessarily delaying a form of development that should clearly have been permitted, and by failing to provide evidence to substantiate its reasons for refusal. These failures caused unnecessary expense in the appeal process. Accordingly, a full award of costs is justified.

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 Enfield shall pay to Mr Pinchas Schwimmer of MPS INVEST LIMITED, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
14. The applicant is now invited to submit to the Council of the London Borough of Enfield, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

P Storey
INSPECTOR