
Costs Decision

Site visit made on 13 September 2016

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21st September 2016

**Costs application in relation to Appeal Ref: APP/N5090/W/16/3153473
77 Hale Lane, Mill Hill, London, NW7 3RU**

- 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 the Council of the London Borough of Barnet for a full award of costs against Mr Vasileios Pilinis.
 - The appeal was against the refusal of planning permission for the creation of a new 2 storey residential dwelling.
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Decision

1. The application for an award of costs is refused.

Reasons

2. Irrespective of the outcome of the appeal, costs may only 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 Council submits that the appellant pursued the original application, and subsequent appeal, despite clear pre-application advice that the site was too constrained to accommodate a dwelling. The Council consider that the appeal had no prospect of success, and therefore resulted in unnecessary expense.
4. The sole reason for refusal related to the effect of the development on the character and appearance of the area. The proposed dwelling would have breached an established building line and appeared incongruous and excessively prominent in the street. Accordingly, I concluded that the appeal should be dismissed.
5. However, judgements regarding character and appearance have an element of subjectivity to them and involve the use of professional judgement. The appellant made a reasoned case to support the appeal, and was entitled to take a different view from the Council.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Thomas Hatfield

INSPECTOR
