
Costs Decision

Site visit made on 19 September 2016

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 05 October 2016

Costs application in relation to Appeal Ref: APP/N5090/W/16/3154896 102 Hillside Gardens, Edgware, Barnet HA8 8HD

- 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 Sachin Israni-Bhatia for a full award of costs against the Council of the London Borough of Barnet.
 - The appeal was against the refusal of planning permission for a development described as "The proposed scheme is to build two semi-detached houses on part of the extensive garden of the existing house".
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Decision

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

Reasons

2. The Government's Planning Practice Guidance (PPG) advises that an award of costs may be made where a party has behaved unreasonably; and that unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. This application for costs is brought on two grounds. Firstly, that the Council has not determined similar cases in a consistent manner; and secondly, that the Council has prevented or delayed development that should have clearly been permitted.
 3. In terms of the first ground, the applicant sites examples of other buildings in the wider area, which in their opinion cause similar effects to the character and appearance of their surroundings as those that would be caused by the proposed development. However, the Council was not persuaded that these developments due to their differing locations and surroundings provided any context or precedent for development at the appeal site.
 4. Furthermore, of the examples for which planning application references have been supplied by the applicant, these were determined before the Council's adoption of the current development plan, its *Residential Design Guide Supplementary Planning Document*, and the publication of the National Planning Policy Framework ('the Framework'). These are all weighty material considerations that clearly differentiate the proposed development from the examples given by the appellant. The Council found that the proposal would conflict with the relevant policies of the development plan and the Framework. Consequently, I do not find that the Council was unreasonable in its determination of the original application on this basis. Moreover, I have come
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to the same conclusions on the proposed development in my appeal decision on the case.

5. In terms of the second ground, the Council substantiated its reasons for refusal, highlighting the specific aspects of the scheme which it considered would cause harmful effects to the area's character and appearance. It identified conflicts with the development plan arising from these harms. Consequently, I consider that the applicant has not demonstrated that the Council has prevented or delayed development that should have clearly been permitted. I thus find that the Council has not acted unreasonably in this regard.
6. As I can discern no unreasonable behaviour on the part of the Council in relation to its determination of the planning application, I can thus find no unnecessary or wasted expense arising in respect of pursuing an appeal on this basis.
7. Accordingly, the application for costs fails.

G J Fort

INSPECTOR