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## Costs Decision

Site visit made on 20 November 2017

**by Caroline Jones BA (Hons) DipTP MTP MRTPI**

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

**Decision date: 14<sup>th</sup> December 2017**

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### **Costs application in relation to Appeal Ref: APP/N5090/W/17/3181666 78 Crewys Road, Cricklewood, London NW2 2AD**

- 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 Tango Properties Ltd 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 conversion of 6no bedroom HMO to provide 7no bedroom HMO following extension to roof to include 1no rear dormer window, 3no rooflights to front elevation.
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### **Decision**

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

### **Reasons**

2. Planning Practice Guidance (PPG) advises that, 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 expense in the appeal process.
3. The PPG makes it clear that a local planning authority is at risk of an award of costs if it fails to produce evidence to substantiate each reason for refusal on appeal and/or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The applicant submits that the Council's Planning Committee did not properly consider the merits of the scheme and acted unreasonably by rejecting the Case Officer's recommendation and giving more weight to the objection to an HMO being there in the first place. The proposal should have been approved because the London Plan and Council planning policies encourage HMOs in sustainable locations.
5. While a Council is not duty bound to follow the advice of its professional officers, it must clearly demonstrate on planning grounds that it had reasonable grounds for taking a contrary view.
6. The substantive issues in the appeal were the effect of the intensification of the HMO on the character and appearance of the area and on the living conditions of neighbouring residents. Whilst I note that policies within the Local Plan and the London Plan are supportive of HMOs where they meet an identified need, this is provided that they do not have a harmful impact on the character of the surrounding amenities of the surrounding area. There was nothing

unreasonable therefore in members forming a view on these matters. Furthermore, the consideration of such issues involves matters of judgement which at times are finely balanced.

7. Whilst I appreciate that the outcome would have been a disappointment for the applicant, the reason for refusal set out in the decision notice was complete, precise, specific and relevant to the application. It clearly stated the policies of the Barnet Local Plan (2012) that the Council found the proposal to conflict with. The reason for refusal was adequately substantiated by the Council in its appeal statement, which explained its analysis and reasoning. Although I have reached a different view to that of the Council, I consider that the Council's reason for refusal was sufficiently reasoned.
8. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all matters raised, an award of costs is therefore not justified.

*Caroline Jones*

INSPECTOR