
Costs Decision

Site visit made on 9 August 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 09 September 2019

Costs application in relation to Appeal Ref: APP/N5090/W/19/3230426 Site Adjacent To 80 Golders Manor Drive, London, NW11 9HT

- 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 Andrea Clerk 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 change of use from Class B8 (storage) to Class C3 to provide one dwelling house.
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Decision

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

Reasons

2. 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. Paragraph 046 of the PPG states that awards against a local planning authority may be either procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal.
4. Paragraph 049 of the PPG states that examples of unreasonable behaviour by local planning authorities include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
5. The reason for refusal set out in the decision notice is complete, precise, specific and relevant to the application.
6. I note the comments regarding whether the existing use is commercial or domestic storage, and whether the use is ancillary to the residential property at No 80 Golders Manor Drive (No 80). The planning officer's report and the Council's statement refer to the various case law put forward by the appellant. I also note the comments regarding the Council's site visit and advice provided.
7. However, based on the evidence before me I do not consider that the Council failed to reasonably evaluate the application. Given the information provided to the Council as part of the application, I consider that it had reasonable concerns about whether the proposal is permitted development under the provision of Schedule 2, Part 3, Class P of the Town and Country Planning

(General Permitted Development) (England) Order 2015 (as amended) (GPDO 2015) which justified its decision.

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 other matters raised, an award for costs is therefore not justified.

R Sabu

INSPECTOR