
Costs Decision

Site visit made on 23 September 2019

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 October 2019

Costs application in relation to Appeal Ref: APP/N5090/D/19/3233121 162 Devonshire Road, Mill Hill, London NW7 1DJ

- 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 Chinedu Akwaeze 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 single storey front extension and convert garage to habitable room with window.
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Decision

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

Reasons

2. The Planning Practice Guidance 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 considers that the Council has behaved unreasonably in refusing planning permission for the development and should have granted planning permission.
4. The applicant refers to what they consider inaccuracies in the Officer Report relating to the planning history of the site, the floor area of the extension and the undertaking of a pre-application enquiry. The applicant also contends that the Council have delayed a development that should have otherwise been permitted.
5. In relation to the alleged inaccuracies in the Officer Report concerning the planning history and the floor area of the extension, I find that these were not key issues in the Council's decision to refuse planning permission.
6. In relation to the pre-application advice, I accept that the applicant will be aggrieved if they have sought pre-application advice that has been incorrectly referenced or not been consistent, however I do not consider the misreporting of the advice, or a lack of consistency with it, to be reason to award costs. Pre-application advice is given without prejudice to the formal decision of the Council.
7. In terms of the alleged delay, the Council have commented that the application was determined within the statutory timeframe. The date of registration of the planning application and the date of the decision to refuse planning permission

would support this, and I find no evidence to suggest that there was any unreasonable delay.

8. Although it can be seen from my decision that I disagree with the Council's decision, I find that they did not act unreasonably in refusing planning permission.
9. As a result, it follows that I cannot agree that the Council has acted unreasonably in this case. As such there can be no question that the applicant was put to unnecessary or wasted expense. I find nothing to suggest that a decision was not reached on the basis of the merits of the proposal, as submitted by the applicant.

Conclusion

10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance has not been demonstrated. Therefore, the applicants' claim for costs fails.

A M Nilsson

INSPECTOR