The Planning Inspectorate

Costs Decision

Site visit made on 25 August 2020

by Zoë Franks Solicitor

an Inspector appointed by the Secretary of State

Decision date: 13TH OCTOBER 2020

Costs application in relation to Appeal Ref: APP/N5090/C/19/3242501 Counting House, 9A Accommodation Road, London, NW11 8ED.

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by David Grunberg for a full award of costs against the Council of the London Borough of Barnet.
- The appeal was against an enforcement notice alleging insertion of two rooflights in the rear roofslope.

Decision

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

Reasons

2. Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs can only be awarded 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.

3. The Applicant is seeking a full award of their costs due to the Council's decision to issue the notice which they believe was unreasonable and the inclusion of a photograph on the notice of an incorrect rooflight which already benefited from planning permission.

4. The photograph on the notice did correctly identify the rooflight which the Council alleged was a breach of planning control as it had not been built in accordance with the planning permission 17/3613/FUL. There is no evidence that the Council took anything other than planning issues into account when making its decision to issue the notice and the Council has not behaved unreasonably.

5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has not been demonstrated.

Zoë Franks

INSPECTOR