



Costs Decision

Site visit made on 15 April 2021

by **Peter D Biggers** BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 May 2021

Costs application in relation to Appeal Ref: APP/N5090/W/20/3254184 68 Great North Way, Hendon, Barnet, London NW4 1HS.

- 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 Fahad Rahimtulla for a full award of costs against London Borough of Barnet Council
 - The appeal was against condition No 10 imposed on the grant of planning permission for change of use of the property from a single family dwelling Class C3 to 7 bed House in Multiple Occupation (HMO Use Class Sui Generis) including single storey rear extension and two storey side and back extension.
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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. 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. Although the appellant completed the costs application form he has not sought to explain why he believes the Council acted unreasonably or how he has been put to unnecessary or wasted expense. He was given an additional 5 working days from 16 April 2021 to submit the grounds for the costs application but nothing further has been received.
5. In my decision letter on the appeal I have concluded that condition No 10 met the tests set out in the *National Planning Policy Framework* and remains necessary. Although I have adjusted the occupancy restriction to allow some flexibility the Council was justified in applying a control over occupancy given the local context and the potential impact on living conditions for occupants of the development and neighbouring properties and given the Development Plan policies involved.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the Planning Practice Guidance, has not been demonstrated.

P. D. Biggers

INSPECTOR