

Costs Decision

Site visit made on 16 April 2021

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 May 2021

Costs application in relation to Appeal Ref: APP/N5090/W/20/3246831 Land at rear of 21 Torrington Park, North Finchley, London, N12 9TA

- 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 M Haddad for a full award of costs against Council of the London Borough of Barnet.
 - The appeal was against the refusal of planning permission for the demolition of existing lock-up storage and the construction of a single storey dwelling with pitched roof, including amenity space, refuse storage and associated site works.
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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. Paragraph 049 of the PPG makes clear that local planning authorities are at risk of an award of costs if they fail to produce evidence to support each reason for refusal on appeal or make vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis. Planning authorities are not bound to accept the advice of their officers but they will be expected to show that there were reasonable planning grounds for taking a contrary decision and they were able to produce relevant evidence to support that decision.
4. The Council was quite entitled to take the view it did, that the proposed dwelling would materially harm the character and appearance of the area, the living conditions of nearby occupiers and exacerbate parking stress in the area. That was a matter of judgement. Clearly these were matters that were of concern to third parties, including the occupiers of Park Lodge, and had the potential to materially affect them. Whether or not the proposal complies with Local Plan Policies CS1, CS5, DM01, DM02 and DM17 depends on the judgement that was made. It was therefore not unreasonable to refuse planning permission.

5. I am satisfied that the Council did substantiate its reasons for refusal. The decision notice specifically sets out the areas of concern – that, given its location, siting and height the proposed dwelling would result in an unacceptable pattern of development, would be detrimental to the visual and residential amenities of occupiers of Park Lodge and, in the absence of a s106 undertaking, would have an unacceptable impact on on-street parking. It is clear that the Council's main concerns were the differences between existing and proposed patterns of development and levels of amenity and they were entitled to give those matters significant weight. The decision notice also related those concerns to specific policies.
6. The evidence points to the committee decision having been reached following a proper consideration of the matter and the Council's evidence on appeal is extensive and cogent. I am therefore satisfied that it clearly expressed its point of view and supported each reason for refusal with evidence on appeal.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated and that an award of costs is not justified.

KE Down

INSPECTOR