The Planning Inspectorate

Costs Decision

Site visit made on 7 December 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 January 2022

Costs application in relation to Appeal Ref: APP/N5090/W/21/3276065
51 Beresford Avenue, Whetstone, London N20 0AD

- 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 Millen for a full award of costs against the London Borough of Barnet.
- The appeal was against the refusal of reserved matters for retention of 49 and 51 Beresford Avenue to provide 6 Passive Eco Houses including scale, appearance and landscaping.

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 049 of the Planning Practice Guidance sets out the examples of unreasonable behaviour by local planning authorities which includes making vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.

4. There were two reasons indicated by the Council as to why it refused the reserved matters. These related to character and appearance and living conditions of neighbouring occupants.

5. I acknowledge that the previous Inspector considered layout as part of the outline application and came to the view that the proposed development would not harm the character and appearance of the area. However, the scale and appearance of the dwellings were matters reserved for future consideration and not assessed by the previous Inspector in coming to their decision.

6. These matters and ultimately the decision are matters of planning judgement. Whilst Council Members have taken a different view from that of their officers, they are not duty bound to follow the advice of their officers, provided that there are sufficient planning grounds to come to a contrary view.

7. Whilst I have not sided with the Council with regard to the merits of the development proposals the Council has substantiated its position on appeal rather than vague, generalised or inaccurate assertions. Furthermore, the reasons for refusal set out in the decision notice are complete, precise, specific

and relevant to the application. As a result, it follows that I do not agree that the Council acted unreasonably in this case.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. For this reason, an award of costs is not justified.

B Thandi

INSPECTOR