
Costs Decision

Site visit made on 18 January 2022

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2022

Costs application in relation to Appeal Ref: APP/N5090/D/21/3287836 57 Greenfield Gardens, Cricklewood, London, NW2 1HU

- 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 Daniel Green 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 addition of new roof and single storey side 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. The applicant's application for costs is based on the alleged unreasonable behaviour of the Council and wasted expense, for procedural and substantive reasons, as considered below.
4. The applicant has raised concerns about the length of time taken to determine the application and the way it was handled by the Council with regard to accurately interpreting the plans, requesting additional plans and changing the recommendation leading to a refusal of planning permission.
5. However, in providing advice in relation to cost applications, the PPG¹ identifies types of behaviour which may give rise to a procedural award against a local planning authority. These are in relation to procedural matters at the appeal. Accordingly, any concerns the applicant may have about the Council's decision-making in the determination of his application are for the Council.
6. The PPG² also advises that a local planning authority could be at risk of a substantive award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example by unreasonably refusing or failing to determine planning applications, failing to produce evidence to substantiate each reason for refusal, or vague, generalised or inaccurate

¹ Paragraph: 047 Reference ID: 16-047-20140306

² Paragraph: 049 Reference ID: 16-049-20140306

assertions about a proposal's impact, which are unsupported by any objective analysis.

7. The applicant alleges that the Council misread the plans and character of the area and failed to acknowledge that an earlier permission had been implemented. However, in my view the Council provided clear and detailed reasons for refusing the application. Moreover, I have found that the Council had reasonable concerns about the proposal with regard to its effect on the character and appearance of the host dwelling and the surrounding area. The costs incurred by the appellant in pursuing the appeal were the normal costs arising when the right of appeal is exercised.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, a full award of costs is not justified.

J Davis

INSPECTOR