



Costs Decision

Site visit made on 1 February 2022

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2022

Costs application in relation to Appeal Ref: APP/N5090/W/21/3276721 Sunnyside House, Childs Hill, London NW2 2QL

- 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 City & Country Properties Limited for a full award of costs against the London Borough of Barnet.
 - The appeal was against the refusal for demolition of disused garages and construction of 2no. dwellings.
-

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 PPG 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; preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations and not determining similar cases in a consistent manner.
4. I find that the Council has not failed to properly evaluate the proposed development. Whilst the scheme has been considered against guidance provided by the British Research Establishment, it is not planning policy and is to be applied flexibly taking into account the surrounding context. The decision is one which is a matter of planning judgement for the decision maker to come to a view on based on the individual merits of the case. Therefore, I find that the Council were not unreasonable in coming to their decision.
5. As seen from my decision, the Council had reasonable concerns about the impact of the proposed development which justified its decision relating to the impact on the living conditions of nearby occupiers. This has been based on the evidence provided and the Council has substantiated its position at appeal, rather than vague, generalised or inaccurate assertions.
6. The appellant has referred to an application for a similar scheme considered against the same sunlight and daylight justification granted planning

permission in the borough. From the limited information before me there is no compelling evidence to clearly indicate that the Council has been inconsistent in its decision-making process.

Conclusion

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

B Thandi

INSPECTOR