



Costs Decision

Site visit made on 14 March 2022

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 1 April 2022

Costs application in relation to Appeal Ref: APP/N5090/D/21/3281147 Grove End House, Camlet Way, Barnet EN4 0NH

- 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 Henry Conlon 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 the removal of a car lift to basement and creation of light well. Conversion of existing basement garage into gym and home cinema.
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Decision

1. The application for an award of costs is refused.

Reasons

2. Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The appellant states that the appeal was unnecessary as the Council failed to properly consider the proposal's significant improvement to the character and appearance of the appeal property and the Monken Hadley Conservation Area (MHCA) from that of the existing car lift. They also noted that they do not believe a site visit by the Council was undertaken and this contributed to the lack of proper consideration of the proposal. They conclude that this failure to properly consider constitutes unreasonable behaviour.
4. The Council has referred to the impact of the car lift and its harm on the character and appearance of the MHCA in its Officer Report and state that, when not in operation, there would be minimal harm. Unfortunately, the Officer Report does not explicitly set out the Council's appraisal of the impact of the operated car lift in the raised position. However, as detailed in the accompanying Decision the raised car lift position is infrequent and transient and therefore is not representative. On this basis, it is reasonable for the proposal's impact on the appeal property to be compared to the harm caused by the car lift in the lowered position.
5. The Council has confirmed, in its costs rebuttal statement, that a scheduled site visit by the heritage team was completed and used to review the proposal. This

demonstrates that the Council did complete a site visit to consider the proposal and potential harm caused by the car lift. Accordingly, I find that the Council did properly consider the application and the merits of the scheme. It is also evident that the Council had reasonable concerns about the impact of the proposed development which justified its decision.

6. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. For this reason, and having had regard to all other matters raised, an award of costs is not justified.

J Symmons

INSPECTOR