



Costs Decision

Site visit made on 12 March 2022

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2022.

Costs application in relation to Appeal Ref: APP/N5090/W/21/3277347 20-22 Station Road, Edgware HA8 7AB

- 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 West Sand Ltd 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 conversion of first and second floor offices (Use Class E) to 2no self-contained residential units (Use Class C3) involving roof extension involving rear dormer window and 2no front and 1no rear facing rooflight.
-

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. The applicant believes the Council failed to consider the Use Class Order (as amended) and permitted development rights. It is also contended by the Appellant that the timescale for marketing is not a policy requirement; and that the Council refused to engage in securing the planning obligation they deemed relevant and therefore acted unreasonably and that this behaviour has caused the Appellant unnecessary expense.
4. It will be seen from my decision that I do not agree with the Council that there were sufficient grounds for refusing planning permission for the proposed development. From the information before me the Council did consider Use Class Order and permitted development rights, and whilst I disagree with their findings, the weight to be attributed to a material consideration is a matter for the decision maker.
5. Whilst I disagreed with the Council's decision, in terms of the marketing information submitted by the Appellant, I agree with the Council that this was limited and as noted in my decision there is conflict with Barnet's Local Plan (Development Management Policies) Development Plan Document (2012).
6. With regard to the Council not engaging with the Appellant in terms of securing the requested planning obligation, a Unilateral Undertaking could have been

prepared and submitted to address this issue without the involvement of the Council.

7. Whilst I disagreed with the Council it does not automatically follow that unreasonable behaviour has been demonstrated.
8. As a result, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

C Pipe

INSPECTOR