



Costs Decision

Site visit made on 27 September 2022

by Nichola Robinson BA (hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 November 2022

Costs application in relation to Appeal Ref: APP/N5090/W/22/3300632 Southbourne Court, The Hyde, Colindale, London NW9 5BP

- 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 P Klein of Hillfinch Properties Limited for a full award of costs against the Council London Borough of Barnet.
 - The appeal was against the refusal of planning permission for demolition of existing garages and erection of a single storey detached dwelling with associated amenity space, off street parking spaces and hard and soft landscaping.
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Decision

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

Reasons

2. The Planning Practice Guidance (the PPG) advises that costs may be awarded against a party who has behaved unreasonably and therefore caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour may be procedural and/or substantive. In this instance, the applicant refers to the Council's alleged unreasonable approach during the processing of the planning application, in particular in relation to the refusal reasons on grounds of impact on character and appearance and neighbouring residents' living conditions. The applicant also alleges that the Council demonstrated unreasonable behaviour due to the delays in the determination of the application.
3. The applicant seeks a full award of costs. The applicant states that in reaching such a view the Council's decision was without planning merit. The applicant states that this behaviour caused the application to be refused, thereby necessitating the preparation of the appeal.
4. The planning application which is the subject of the appeal was submitted on 24 March 2021 and was refused on 14 December 2021. Whilst it is regrettable that the Council took almost 9 months to determine the application, the Council did ultimately refuse the application. Therefore, as the appeal was inevitable, the appellant did not incur any wasted expense in defending the appeal as a consequence of this delay. This is not "unreasonable" in the terms of the PPG.
5. The PPG indicates that local planning authorities will be at risk of an award being made against them if they fail to produce evidence to substantiate each reason for refusal and/or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.

6. I am satisfied that the Council have presented a suitably substantiated case in support of their decision which gave appropriate weight to all material planning considerations, and I too have found that the proposal would harm to the character and appearance of the area and the living conditions of both neighbouring and future residents.
7. I find that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated.

Nichola Robinson

INSPECTOR