The Planning Inspectorate

Costs Decision

Site visit made on 13 September 2022

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd November 2022

Costs application in relation to Appeal Ref: APP/N5090/W/21/3287757
Canteen Building, Pembroke Road, London, N10 2NL

- 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 A Matur of Harman Enterprise 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 demolition of existing school canteen building and construction of six No. 3 bedroom two storey dwellings with room in roof space, associated off-street parking, refuse/waste storage.

Decision

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

Reasons

2. 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 appellant submits that the Council has acted unreasonably in that it has prevented or delayed development which should clearly have been permitted, having regard to its accordance with the development plan. It is also submitted that the Council acted unreasonably in seeking to require that a legal agreement be entered into regarding land outside of the appellant's control.

4. The appeal was against the Council's failure to determine the application within the relevant time limits. In this regard, I have been provided with a timeline of correspondence and events including the points of dispute that arose. However, and as set out in my decision, it was not unreasonable for the Council to seek greater certainty regarding the delivery of the replacement playing field provision. Accordingly, there were substantive reasons to justify delaying the determination and better communication would not have avoided the appeal. Moreover, and regardless of land ownership, there was a need to address national and local policy relating to development on playing field land.

5. For the above reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Thomas Hatfield

INSPECTOR