



Costs Decision

Site visit made on 6 June 2023

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd August 2023

Costs application in relation to Appeal Ref: APP/N5090/W/22/3313797 117 Station Road, Hendon, London NW4 4NL

- 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 Ari Sufrin for a full award of costs against the London Borough of Barnet.
- The appeal was against the refusal of planning permission for development proposed described as "conversion of the existing dwelling into 5no. self-contained flats. Associated Velux windows, parking, cycle parking, refuse and recycling store and amenity space".

Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, Planning Practice Guidance ('PPG') 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 or wasted expense in the appeal process. The PPG states that awards may be either procedural, in regard to behaviour in relation to completing the appeal process, or substantive, which relates to the planning merits of the appeal. This is a substantive application.
3. The applicant's cost claim asserts that the Council acted unreasonably in regard to their reliance on vague, generalised or inaccurate assertions about the proposals impact, which are unsupported by an objective analysis. The applicant also asserts that the Council relied upon non-planning matters. The Council have not provided a response to this cost application.
4. In terms of the planning application, which is subject of the appeal before me, the Council's Delegated Report provides an adequate assessment of the merits and concerns relating to the proposed development. Furthermore, the reasons for refusal are specific to the proposal, are planning related and refer to local and national planning policy. Also, the Council has further justified its reasons for refusal within their appeal Statement of Case. Therefore, I am satisfied that the Council's assessment is supported by sufficient analysis, which is ultimately a matter of planning judgement.
5. The applicant has provided their own analysis of the development proposal, during both the application and appeal, whereby they exercised their own planning judgment regarding the disputed matters.

6. The PPG advises that, where local planning authorities have exercised their duty to determine planning applications in a reasonable manner, they should not be liable for an award of costs. The Council did not behave unreasonably in making their decision using their planning judgement, which was based on the information that they had, in accordance with the development plan and other material considerations.
7. For the reasons set out above, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and the application for an award of costs must fail.

S Pearce

INSPECTOR