



Costs Decision

Site visit made on 31 October 2023

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th January 2024

Costs application in relation to Appeal Ref: APP/N5090/W/23/3320015 10 Wentworth Avenue, Finchley, Barney, London N3 1YB

- 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 Haim Ben Arzi 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 existing property into 4no. self-contained flats including a part single, part two storey side and rear extension plus creation of basement with lightwells at rear. Roof extension including rear dormer window, 2no. side and 1no. front facing rooflights. Associated amenity space, refuse and cycle storage and provision of 3no. off-street parking spaces following demolition of the existing garage.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance 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 contends that the Council has acted unreasonably in its failing to provide justification or evidence to support its reason for refusal, thus preventing development which should have been permitted resulting in the applicant incurring the necessary or wasted expense of an appeal.
4. Whilst I have found the appeal proposal to be acceptable, that finding was based on the evidence presented by the Council, the policies of the development plan and National Planning Policy Framework, and my own observations on site.
5. The applicant has referred to the fact the Planning Committee refused the application contrary to the recommendation of Planning Officer's, whose Report to Committee set out a justification for granting planning permission. Council Members are not bound to accept the advice or recommendation given by Planning Officers. Similarly, it is not uncommon for Planning Committee to come to a differing view when applying their own judgement.
6. Moreover, the Minutes of the meeting confirm that Officers had advised Council Members, with two parties speaking against the application and the Agent addressing Committee in favour. Whilst I accept that the Minutes are brief and do not fully explain the justification pertaining to the refusal, I am satisfied that the Council provided justification for its decision.

7. The applicant contends that the Council's justification was brief, however the decision was justified by reference to the development plan and sufficient explanation was provided to enable me to understand the Committee's reason for refusing planning permission.
8. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated. As such, an award of costs is not justified. The application for an award of costs is therefore refused.

L Clark

INSPECTOR