



Costs Decision

Site visit made on 19 December 2023

by C Livingstone MA(SocSci) (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 February 2024

Costs application in relation to Appeal Ref: APP/N5090/W/23/3328726

11A Long Lane, Finchley, Barnet, London N3 2PR

- 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 Aron Baum 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 the conversion of existing 4 bed maisonette to create 6 room House in Multiple Occupation for up to 6 people.

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 (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 considers that the Planning Committee did not properly exercise its duty by failing to fully assess the merits of the proposal. It also considers that in determining the application, contrary to the officer recommendation, the Committee did not provide a suitable reason for refusal.
4. While the Council's Planning Committee refused planning permission against the recommendation of its officer, that does not itself justify an award of costs. The Committee was entitled to reach its own conclusions on the weight to be attached to the points in favour of the proposal and did so on proper planning grounds. Having regard to the evidence provided, including the minutes of the planning committee meeting, I consider that the Council gave clear reasons as to why, in its view, the proposal did not meet the requirements of Policies DM08 and DM09 of DMP Barnet's Local Plan (Development Management Policies) Development Management Policies (2012)
5. Furthermore, the reason for refusal has been adequately substantiated by the Council in its Statement of Case. Accordingly, I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision.
6. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

C Livingstone

INSPECTOR