



Costs Decision

Site visit made on 1 February 2024

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2024

Costs application in relation to Appeal A Ref: APP/N5090/W/23/3325212 4 Horseshoe Lane, LONDON, N20 8NJ

- 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 J Paschali 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 demolition of the existing dwelling and outbuildings and erection of a replacement dwelling with rooms in the roofspace without complying with a condition attached to planning permission Ref 22/3959/FUL, dated 6 December 2022.
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Costs application in relation to Appeal B Ref: APP/N5090/W/23/3325217 4 Horseshoe Lane, LONDON, N20 8NJ

- 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 J Paschali 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 demolition of the existing dwelling and outbuildings and erection of a replacement dwelling with rooms in the roofspace without complying with a condition attached to planning permission Ref 22/3959/FUL, dated 6 December 2022.
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Decision

1. The applications for awards of costs are refused.

Preliminary Matter

2. These applications for the award of costs relate to two linked appeals. Each appeal relates to the same site, and they differ only in the detail of the appearance of the proposed development.

Reasons

3. Parties in planning appeals normally meet their own expenses. However, the 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. These are substantive applications.
4. The applicant's cost claims assert that the Council acted unreasonably in regard to their vague and generalised assertions about the impact of the development proposed in both Appeal A and Appeal B, unsupported by any objective analysis.

5. In terms of the planning applications, which are the subject of the appeals before me, the Council's Delegated Reports provide an adequate assessment of the merits and concerns relating to the proposed developments. Furthermore, the reason for refusal within the respective decision notices are specific to each proposal, are planning related and refer to local and national planning policy. Also, the Council has further justified its reasons for the refusals within their appeal Statement of Cases. Therefore, I am satisfied that the Council's assessments are supported by sufficient analysis, which is ultimately a matter of planning judgement.
6. The applicant has provided their own analysis of the development proposals, at both planning application and appeal stages, whereby they exercised their own planning judgment regarding the disputed matters.
7. For the above reasons, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and the applications for awards of costs must fail.

S Pearce

INSPECTOR