Planning Inspectorate

# Costs Decision

Site visit made on 10 December 2024

**by E Catcheside BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 December 2024**

**Costs application in relation to Appeal Ref: APP/N5090/W/24/3347545**
**199A Mays Lane, Underhill, Barnet EN5 2DY**

- 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 Hiren Satra for an award of costs against the Barnet London Borough Council.
- The appeal was against the refusal of the Council to grant approval required under Article 3(1) and Schedule 2, Part 20, Class AB of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for two storey extension with a pitched roof to include 1 x 2 bedroom flat.

## 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 PPG provides a non-exhaustive list of examples whereby a local planning authority may be at risk of a substantive award of costs, some of which include references to inaccuracy in its decision-making. The costs claim is submitted on the basis that the Council assessed the application against the incorrect class of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), leading to wasted time and cost being incurred in the preparation of the applicant's appeal evidence.

4. The Council invites me to consider its references to Class A of Part 20 of Schedule 2 of the GPDO in its reason for refusal as typographical errors. However, it is clear from the delegated report, that the Council erroneously assessed the application against the criteria set out in Class A, and it did not merely make typographical errors. That the Council suggested a new reason for refusal following its assessment of the application against Class AB of Part 20 during the appeal is symptomatic of its unreasonable behaviour.

5. The Council's error undoubtedly led to uncertainty for the applicant during the preparation of its appeal documents, which is regrettable. However, had the Council originally considered the application against the correct section of the GPDO, it would still have refused to grant prior approval due to the external appearance of the building. Therefore, and because the applicant does not agree with the Council's interpretation of paragraph AB.1(g) of Class AB, an

appeal would have been required in any event, should the applicant have wished to seek a different outcome.

6. As will be seen from my decision, I have agreed with the Council's position that the proposal would not be permitted development because it does not comply with paragraph AB.1(g) of Class AB. Therefore, the Council's reasoning on this point was not flawed.

7. Overall, whilst the Council has behaved unreasonably, it has not led to unnecessary or wasted expense being incurred in the appeal process. Therefore, an award of costs is not warranted.

*E Catcheside*

INSPECTOR