



Costs Decisions

Site visit made on 18 December 2024

by D Moore BSc (HONS), PGDip, MCD, MRTPI, IHBC

an Inspector appointed by the Secretary of State

Decision date: 24 January 2025

Costs applications in relation to Appeals Ref: APP/N5090/C/23/3330636 and APP/N5090/C/23/3330301 at Yard at The Spinney, 22 Hendon Wood Lane, London NW7 4HR

- The applications are made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The applications are made by (1) Mr GMP Fitzgerald and (2) Miss Lindsay Havens of JW Waste Management Ltd T/A Woodsie's Waste, each seeking a full award of costs against the Council of the London Borough of Barnet.
 - The appeal was against an enforcement notice alleging the material change of use of the land to a waste/recycling, transfer and sorting yard, the erection of a structure and the permanent stationing of a shipping container.
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Decisions

1. The applications for an award of costs are 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. It is claimed that the notice is a nullity, the issue of which amounts to unreasonable behaviour. In addition, it is argued that the Council withheld important information relating to appeal rights. As explained in my Decision, this argument is not accepted, and I did not find the notice to be a nullity or otherwise invalid.
4. The applicants also maintain that the Council has made vague, generalised and inaccurate assertions about the harm resulting from the development, continues to make unfounded allegations about the nature of the use, has not followed established caselaw, has disregarded evidence and has failed to review the case promptly after the appeal was made.
5. The notice sets out the harm resulting from the development with proper reference to the development plan. This was expanded in the Council's appeal statement through objective analysis. There is no evidence that caselaw was not followed and I do not agree with this claim made by the applicants. The disputes between the parties remained after the exchange of statements, and the Council has provided comments on the evidence submitted in support of the appeals.

Conclusion

6. It is not apparent that the appeals could have been avoided. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

D Moore

Inspector