
Costs Decision

Site visit made on 11 June 2025

by **L Gardner MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 July 2025

Costs application in relation to Appeal Ref: APP/N5090/W/25/3361951

5 David Wildman Lane, Mill Hill, Barnet, London NW7 1FH

- 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 and Mrs Gaba for a full award of costs against the Council of the London Borough of Barnet.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for single storey side and rear extension with 3no. rooflights
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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 (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 Council failed to give notice of its decision on the application within the prescribed period. In their response to the application for costs, the Council have explained the reasons for the delay in the determination. These partially relate to the original case officer seeking amendments owing to concerns in relation to the parking arrangements from the historic permission on the site. A new case officer was then assigned to the application upon the original case officer leaving employment with the Council.
4. The Council have provided email correspondence which was sent to the agent (14th February 2025 and 3rd February 2025) prior to the submission of the appeal (7th March 2025). At the time of the emails, the new case officer was seeking an update from the appellant as to how they wished to proceed with the application in the context of the earlier request for amended plans. It is entirely reasonable that the new case officer would have waited for a response to this email before progressing to a decision.
5. The Council has since conceded that the amendments were not necessary to make the proposal acceptable. Nevertheless, the Council made clear attempts to contact the appellant through their agent, in an attempt to progress the decision. Whilst the delay to the original determination date is regrettable, in light of the evidence of the Council attempting to contact the agent, I do not consider that the Council has behaved unreasonably.

Conclusion

6. In view of the above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, an award of costs is not justified against the Council.

L Gardner

INSPECTOR