
Costs Decision

Site visit made on 1 July 2025

by **K Lancaster BA (hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 August 2025

Costs application in relation to Appeal Ref: APP/N5090/W/25/3359989

4 - 6 Cricklewood Lane, London, NW2 1EX

- 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 Chongie Entertainment Ltd 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 change of use from a Betting Shop (Sui Generis) to an Adult Gaming Centre (Sui Generis).
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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 applicant submits that the Local Planning Authority (LPA) acted unreasonably, resulting in unnecessary and wasted expense. Specifically, that the LPA failed to comply with statutory deadlines and procedural requirements, did not provide evidence to substantiate its reasons for refusal, and relied on vague, generalised, and inaccurate assertions regarding the impact of the proposal.
4. The applicant states that the LPA have failed in its duty to adopt a positive and proactive approach. They further state that the LPA did not engage in correspondence with the appellant, failed to provide copies of consultee responses, and failed to ensure that consultees had access to relevant documentation necessary for informed evaluation.
5. In respect of consultee responses, the LPA accepts that these are not made available on the LPA's website. However, the LPA state that typically when an applicant requests such information it will be provided by the case officer, but no such request was made. Whilst the delay in receiving copies of consultation responses is disappointing for the applicant, there is no compelling evidence before that this led to unnecessary or wasted expense in addressing them within the appeal submission.
6. The applicant also raises concerns regarding the validity of the reasons for refusal. In respect of the first reason for refusal, the appellant argues that the proposal pertains to an existing betting shop and would not increase the concentration of such establishments. However, as set out in my decision letter the policy falls silent

- on how it should be applied or interpreted in the circumstances where a proposal would involve the change of use of an existing use listed within Policy TOW03 to another use listed in the same policy. The LPA is therefore entitled to reach their own judgment as to how it should be applied in relation to the appeal proposal.
7. Regarding the second reason for refusal, the applicant states that the proposal was supported by a Noise Impact Assessment Report and that the Council's Environmental Health Officer did not object to the proposed 24-hour operation. However, at the time of the application being determined the Designing Out Crime Officer objected to the approval of the proposal, and the LPA refused the application on this basis.
 8. Whilst there appears to have been information omitted from website, nonetheless, it is clear from the appeal submission that additional information was required to address the concerns expressed by the DOCO, which has been provided in support of the appeal.
 9. My attention has been drawn to a similar proposal at 214 Station Road, Edgware which the applicant states that LPA refused for similar reason, and which was allowed at appeal¹. However, whilst other decisions are capable of being material considerations, each case must be assessed on its own merits. There are differences between the two proposals, and therefore I find that the LPA has not acted unreasonably.
 10. Consequently, whilst I ultimately did not agree with the LPA, and allowed the appeal subject to conditions, the LPA's reasons and conclusions were logically presented and adequately substantiated in evidence. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

K Lancaster

INSPECTOR

¹ Appeal Ref: APP/N5090/W/23/3328090