



Costs Decision

Site visit made on 19 June 2025

by **M Cryan BA(Hons) DipTP MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 September 2025

Costs application in relation to Appeal Ref: APP/N5090/W/25/3362951

26 Renters Avenue, Hendon, London NW4 3RB

- 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 BY Developments 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 conversion of the property to four self-contained flats, including: additional rear extension to the rear of the garage; additional ground floor rear extension to the rear of the main property; change of material for the infill extension between the main house and the garage; additional depth on the first-floor rear extension; provision of an outbuilding as an ancillary gym for residents.
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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 ("the 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. It is the applicant's claim that the Council behaved unreasonably by failing to properly assess material planning considerations and amendments; that it refused planning permission on vague, unsubstantiated, and inconsistent grounds; and that it failed to engage positively or proactively during the application process.
4. In respect of the first element, the applicant submitted revised plans on 24 December 2024 in response to feedback from Council officers. It is claimed that the Council did not refer to, or properly analyse, the amended drawings. However, the changes in the revised floor plan were clearly addressed within the Council's officer report; although disagreements between the parties remained, the Council did not act unreasonably in this respect.
5. In respect of the second element, the applicant refers to examples of large side or rear extensions which had been permitted elsewhere in the locality. However, for reasons which are set out in my main decision, I found that those examples did not weigh in favour of the appeal scheme. Furthermore, what the applicant describes as "minor refinements" to an extant permission would in fact (as is again set out in my main decision) represent a substantial increase in built massing, which would be harmful to the character and appearance of the area. The Council did not act unreasonably in this respect.
6. In respect of the third element, the applicant again refers to the December 2024 revised drawings, and claims that the Council failed to engage meaningfully with

the amended scheme. The e-mail trail provided as evidence to support this claim is inconclusive. It includes a reference (on 22 January 2025) to further amended drawings being supplied, but beyond this there is nothing to indicate that additional changes were submitted to the Council, or what those changes might have been. Again, the evidence before me does not demonstrate that the Council acted unreasonably.

7. Overall, the appellant considers that the Council “[prevented] or delayed development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations”. It is relevant to note here that, for the reasons which are set out in my main decision, I found that the proposal conflicted with the development plan and consequently dismissed the appeal. It therefore follows that I cannot find that the Council prevented or delayed development which should clearly have been permitted.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

M Cryan

Inspector