



Costs Decision

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an Inspector appointed by the Secretary of State

Decision date: 17 November 2025

Costs application in relation to Appeal Ref: APP/N5090/X/24/3347241

21 Meadow Gardens, Edgware HA8 9LQ

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr T Yong for a full award of costs against the Council of the London Borough of Barnet.
 - The appeal was against the refusal of an LDC for erection of a rear outbuilding.
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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. It is a fundamental principle of decision making that each development proposal must be considered on its individual merits. Both parties have referred to decisions made by the Council, by other Councils, and by Planning Inspectors. All of these cases were determined on their individual merits and on their specific circumstances. None of these other cases are directly or even remotely similar to the proposed development in this case. The Council cannot be criticised for considering the specific circumstances of this case or for reaching a planning decision based on those specific circumstances.
4. The Council may not have referred specifically to *Emin v SSE [1989] JPL909* but they did apply the principles established in that judgement. They did consider the question of whether the proposed uses would be incidental to the enjoyment of the dwellinghouse and they reached a judgement based on the information submitted with the application. That information was supplemented for the appeal resulting in an LDC being granted. This is part of the normal process and has resulted in a decision being reached based on 'all of the evidence now available'.
5. The Council has not acted unreasonably and the Appellant has not therefore incurred wasted expense. An award of costs is not justified.

John Braithwaite

Inspector