



Costs Decision

Site visit made on 18 August 2026

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2026

Costs application in relation to Appeal Ref: APP/N5090/C/25/3361348

27 Dale Grove, London N12 8EE

- The application is 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 application is made by Dale Real Estates Limited for a full award of costs against the Council of the London Borough of Barnet.
 - The appeal was against an enforcement notice alleging the construction of a single storey rear extension.
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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. An application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
3. The appellant states that the development does have planning permission, albeit it does not accord with the approved plans as the extension has been built too tall, and therefore the Council's allegation is unfounded. They further state that had the Council carried out a thorough investigation, the serving of the Notice and subsequent appeal could have been avoided, which has led to unnecessary and wasted expense for the appellant. They also contend that the Planning Officer has since informally agreed an acceptable reduction to the height of the extension but did not withdraw the Notice.
4. It will be seen from my decision that I agree that the Notice does correctly describe the breach of planning control, which is the construction of a single storey rear extension. The development carried out is materially different from the previous approved planning permission.
5. Furthermore, it is clear from the Council's Delegated Officer's Report, authorising enforcement action, that an investigation was carried out prior to serving the Notice, which included writing to the owners/occupiers of the site, serving a PCN, carrying out site visits, and reviewing correspondence and photographs from neighbouring occupiers. Indeed, the owner/occupier of the appeal site failed to respond to the PCN within the requisite time period.

6. Whilst email correspondence has been submitted which demonstrates that the Planning Officer sought to agree a revised proposal with the appellant, no formal application has been submitted. Consequently, there is a breach of planning control, and there is no reason why the Notice would be withdrawn. Furthermore, it will be seen from my decision that I agree with the Council that the current development harms the living conditions for the neighbouring occupiers of No 25 Dale Grove with regard to outlook and overshadowing. Therefore, I am satisfied that the Council has not acted unreasonably.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, the appellant's claim for costs fails.

R Satheesan

INSPECTOR