Planning Inspectorate

Costs Decision

Site visit made on 16 November 2026

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2026

Costs application in relation to Appeal A Ref: APP/N5090/C/25/3372989 and Appeal B Ref: APP/N5090/C/25/3372990
20 Albert Road, London NW4 2SG

- 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 Mr Shimshon Kahn for a full award of costs against the Council of the London Borough of Barnet.
- The appeal was against an enforcement notice alleging without planning permission, the construction of metal railings upon the roof of the rear dormer roof extension.

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 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 considers the Council have acted unreasonably by failing to produce evidence to substantiate its reason for issuing the notice, failing to follow well-established case law, and providing vague, generalised or inaccurate assertions about the reasons for issuing the notice.

4. The Council's statement of case clearly sets out their position with regards to the issuing of the notice which includes why they consider the railings to be development with multiple references to various well-established case law. I note the Council's delegated report does not specifically cover the matter of the railings as development. However, the Council have responded appropriately to the ground (c) appeal that questions whether there has been a breach of planning control, including presenting their argument as to why they consider the railings to be development. The Council have not acted unreasonably in this regard.

5. I have had regard to the email discussions between the applicant's agent and the Council. The Council have engaged by responding and requesting further information although I note there is no direct response to the matter of whether the railings constitute development. Nevertheless, even if I were to find that the Council had behaved unreasonably on this matter, this would still have resulted in an appeal and therefore it would not have resulted in unnecessary or wasted expense.

6. The applicant argues that the Council only considered the matter of development after they had received the costs application. The Council reject this claim. The applicants costs application was submitted prior to final date of when the Council

required to submit their statement of case. There is no clear indication that the Council only responded to the matter of development because of the costs application. I consider it more likely that the Council provided their arguments on the matter of development in response to the appeal on ground (c) that had been made. The Council have not acted unreasonably in this instance.

7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Chris Baxter

INSPECTOR