



Costs Decision

Site visit made on 29 November 2021

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21/03/2022

Costs application in relation to Appeal Ref: APP/N5090/W/21/3272187 33 Lyonsdown Road, Barnet EN5 1JG

- 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 Abbeytown Limited 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 demolition of existing building and redevelopment of the site to provide a new 5 storey building comprising of 20 no. self-contained flats including basement level car parking, amenity space, landscaping, boundary treatment, bicycle and refuse storage and alterations to access arrangements from Richmond Road.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (the 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 appellant refers to the inclusion of the site on the Local Heritage List and the level of communication from the Council. However, the appellant has had the opportunity to address heritage issues as part of the planning application and subsequent appeal. The procedure leading to the revision of the Local Heritage List does not fall within the remit of my consideration of this appeal or the appellant's application for costs.
4. The appellant also refers to dialogue during the pre-application process and during subsequent consideration of the planning application, which led to a number of amendments in response to advice from Council officers. They also emphasise that the scheme was presented to planning committee with a report which considered in detail the heritage issues and the merits of the replacement building, and which came to the conclusion that the proposals were acceptable and in accordance with planning policy. However, Council Members are not bound to follow the advice of Officers. Indeed, I have agreed with the concerns of Members in respect of the harm arising to character, appearance and a heritage asset, and I therefore do not conclude that the Council has behaved unreasonably in reaching its decision.

5. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary or wasted expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is not justified.

David Cross

INSPECTOR