

19 October 2021

The Savills logo, featuring the word "savills" in a red, lowercase, sans-serif font, positioned within a yellow rectangular background.

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Dear Sir / Madam,

SUBMISSION OF REQUEST FOR COSTS TO BE AWARDED AS PART OF PLANNING APPEAL AT 33 LYONSDOWN ROAD, BARNET, LONDON, EN5 1JG.

Appeal ref. APP/N5090/W/21/3272187

We were instructed by our client to submit a planning appeal to the Planning Inspector following the refusal of permission by the London Borough of Barnet at 33 Lyonsdown Road, Barnet, London.

Following the dismissal of a planning appeal in April 2018, the appellant sought to pro-actively engage with the Council and front load the submission of a revised scheme through the pre-application process, as advised in paras. 39 to 41 of the NPPF. A number of pre-application meetings were held starting in July 2018 and further dialogue with officers took place culminating in correspondence on 22 January 2020 which confirmed the Council's preferred design approach. At no point during the pre-application engagement did officers make the appellant aware that the Council had drafted a revised local heritage list and included the property on it, nor that the revised list had been confirmed by the Policy and Resources Committee on 6 January 2020. The appellant, Abbeytown Ltd., is the owner of the property and at no point during the consultation period for the revised local heritage list were they notified or consulted. The Council would have had Abbeytown Ltd.'s address as part of the previous appeal documentation.

When the LPA informed the appellant some 8 weeks into the planning application that the property had been included on the revised list, the appellant responded in detail in its letter dated 25 September 2020. The appellant also continued to have dialogue with officers regarding the design of the building and made further reductions to its scale and massing.

The scheme was presented to the planning committee with a lengthy report by officers that considered in detail the significance of the building as a non-designated heritage asset and the merits of the proposed replacement building. The report sets out a balanced judgement and came to the conclusion that the proposals were acceptable and in accordance with planning policy. Despite this, the application was refused by the Council for a number of reasons.

The appellant has gone to considerable costs to engage with the Council during the pre-application process, which is there to improve the efficiency and effectiveness of the planning system as well as resolve as many issues as possible. The appellant considers that this had been done prior to the submission of the application

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based on the advice received from officers. The appellant has subsequently had to incur further costs for the preparation and submission of this appeal, now necessary despite the officers' recommendation for approval.

It is the appellant's view that the Council has acted unreasonably in its refusal of the application and in putting forward a case that is clearly contrary to the engagement that took place during the pre-application, dialogue whilst the application was being considered and in the report by officers to the planning committee.

For the reasons set out above our client wishes to make an application for costs as part of this appeal.

Yours sincerely

A handwritten signature in black ink, appearing to read "Simon Wallis", followed by a small dot.

Simon Wallis
Director