Costs Decision

by Ken McEntee

a person appointed by the Secretary of State for Housing, Communities and Local Government Decision date: 3 August 2018

Appeal ref: APP/N5090/L/16/1200164: Application for costs

- The costs application is made under Regulation 121 of the Community Infrastructure Levy Regulations 2010.
- The application is made by London Borough of Barnet.
- The appeal was made under section 218 of the Planning Act 2008 and on Regulation 117(1)(b) of the CIL Regulations.

Summary of decision: The application fails and no award of costs is being made.

Reasons for the decision

- 1. The basis for the appellant's claim for an award of costs against the Council is that he incurred wasted expense in submitting an unnecessary appeal as a result of their error in submission of the Liability Notice. However, in view of my findings in the appeal decision, I do not consider the Council has made such an error and have concluded that they correctly served the Liability Notice in accordance with the CIL Regulations.
- 2. The appellant also complains about a Council officer's behaviour during a telephone conversation with his agent. However, this is not a matter for me to consider. Any complaints concerning the Council's conduct should be made through their established complaints procedures in the context of local government accountability.

Formal decision

 For the reasons given above, I do not conclude that the Council acted unreasonably, causing the appellant to incur wasted or unnecessary expense in the appeal process. No award of costs is therefore justified in the particular circumstances.

K McEntee