



Costs Decision

Site visit made on 2 December 2019 by Mariam Noorgat BSc (Hons)

Decision by P J Davies BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2019

Costs application in relation to Appeal Ref: APP/Z5060/D/19/3234763 221 Westrow Drive, Barking IG11 9BS

- 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 Mr Ibrahim Hanif Bukhari for a full award of costs against the London Borough of Barking and Dagenham.
 - The appeal was against the refusal of planning permission for a two-storey side extension.
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Decision

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

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the costs application.

Reasons for the Recommendation

3. 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.
4. The PPG states that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing planning applications, not determining similar cases in a consistent manner, not provide reasonably requested information or preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
5. The PPG further advises an application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
6. The application for costs consists of an invoice for works to prepare and submit the appeal. There is no specific information that expands on the reasons for the costs application, however I have had regard to appellant's appeal statement insofar as it suggests that the Council has behaved unreasonably. In particular it states that a previously refused planning application (Ref: 18/01303/FUL) was challenged by a Councillor following approval of a similar

scheme at 104 Westrow Drive. It is further stated that the appellant was instructed by the Council's Head of Planning to resubmit the planning application noting the approval at No.104. This was submitted accordingly (Ref:19/00817/FUL) and the applicant states efforts were made to discuss this planning application with Council Planning Officers who failed to respond. A decision notice was then issued prior to discussions with the Councillor.

7. Nonetheless, there is little information before me that clearly establishes the context for the above events. The Council's Officer report acknowledges other extensions have taken place in the area and assessed the design of the proposal in its own context. Although the report does not refer specifically to the case identified by the applicant, the failure to do so is not unreasonable, as each case should be considered on its own merits. In any event I found the proposal to not be directly comparable to these other examples. Similarly, the Council was not bound to discuss the application with the Councillor before the decision was issued, and it was open to the Councillor to make representations on the application if they so wished. However, I note that no representations were received.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. For this reason, an award for costs is not justified.

Recommendation and Conclusion

9. For the reasons given above, and having regard to all other matters raised, I recommend that an award of costs of refused.

Mariam Noorgat

APPEAL PLANNING OFFICER

Inspector's Decision

10. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis an award of costs is refused.

P J Davies

INSPECTOR