



Costs Decision

Site visit made on 8 June 2021

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2021

Costs application in relation to Appeal Ref: APP/Z5060/W/20/3248912 2 Herbert Gardens, Romford RM6 4BS

- 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 Bharadia for a full award of costs against the Council of the London Borough of Barking and Dagenham.
 - The appeal was against the refusal of planning permission for conversion of existing dwelling into 2 x 1bed apartments by means of single storey rear extension, front porch and rear dormer.
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Decision

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

Reasons

2. 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.
3. The applicant raises a number of points in which they believe the Council has acted unreasonably and that this behaviour has caused them unnecessary expense. These relate to failing to adhere to the appeal framework and timescales and in terms of delaying development.
4. In terms of not engaging with the appeal process, Part 2 of The Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009 (Statutory Instrument 2009/452) (as amended) states that a completed questionnaire and a copy of each of the documents referred to in it should be submitted. The Council provided the documentation.
5. The deadline for determining the application is confirmed by the Council as 11 February 2020 and I note that the Appellants Appeal Form is dated 13 March 2020. The Council clearly failed to determine the application within the prescribed timeframe.
6. From the evidence before me this case was finely balanced in terms of planning judgement. Whilst the Council did not determine the application within the prescribed timeframe I am not persuaded that the timeframe between expected decision date and submission of the appeal caused unnecessary or wasted expense to the Appellant, particularly in light of the Council's statement

which confirmed they would have refused the application should they have determined it.

7. As a result, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

C Pipe

INSPECTOR