



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: 04 October 2021

Costs application in relation to Appeal Ref: APP/Z5060/W/20/3257655

Jolly Fisherman, 108 North Street, Dagenham IG11 8LA

- 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 Kahn, Advantage Rock Limited, 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 redevelopment of existing public house to provide retail unit at ground floor and residential at first floor, with additional residential accommodation at roof level. The existing beer garden is to be a 3 storey element to provide storage, bike parking, bins area and 7 apartments. Total number of units will be 8.
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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 the pre-application process, changes to the description of development, failing to adhere to the application timescales and the decision to refuse the application.
4. I have not been provided with substantive evidence to demonstrate that the pre-application process and advice given was flawed. Whilst the Appellant may be unhappy with the cost associated with the pre-application process, nonetheless they did engage in the process aware of the costs for the service.
5. Planning Practice Guidance is clear that the local planning authority should not amend the description of development without first discussing any revised wording with the applicant or their agent. Whilst I do not consider the amended description was necessary, I do not consider that this resulted in delays in the process.
6. Whilst the Council did not determine the application within the prescribed timeframe, I am not persuaded that the timeframe between expected decision

date and the date the refusal was issued caused unnecessary or wasted expense to the Appellant.

7. It will be seen from my decision that I agree with the Council and that there were sufficient grounds for refusing planning permission on grounds relating to the effect of the proposal on the character and appearance of the area and loss of the public house. I have found that the Council had reasonable concerns about the effect of the proposed development which justified its decision.
8. 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