
Costs Decision

Site visit made on 7 November 2024 by N Unwin BSc (hons) MSc MRTPI

Decision by R Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2025

Costs application in relation to Appeal Ref: APP/Z5060/W/24/3345112

44 Rugby Gardens, Barking and Dagenham, Dagenham RM9 4BA

- 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 George Le Port for a full award of costs against the Council of the London Borough of Barking & Dagenham.
 - The appeal was against the refusal planning permission for the construction of a new 1 x bed 2 person dwelling with associated external amenity area, parking, bicycle spaces and waste storage at land to side of 44 Rugby Gardens Dagenham RM9 4BA.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. 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. Costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process. Unreasonable behaviour may be either procedural (relating to the process) or substantive (relating to the issues arising from the merits of the appeal). PPG goes on to say that where local planning authorities have exercised their duty to determine planning applications in a reasonable manner, they should not be liable for an award of costs.
3. The applicant's cost claim is made on the basis that the Council failed to take relevant evidence into account and achieve consistency in decision-making. This relates to the second reason for refusal pertaining to whether the development would be acceptable in the absence of any parking provision. As set out in the Appeal Decision it is noted that levels of parking did not form part of the reasons for refusal in the previous decisions on this site. Nonetheless, Rugby Gardens has since been subject to a Controlled Parking Zone. This points to a constrained parking position on local roads. No substantive evidence indicates otherwise.
4. As such, whilst there is some availability of public transport, the site is not so accessible as to indicate future occupants of the proposal would be unlikely to wish to own and park a car in the vicinity. As reasoned in the Appeal Decision, without a mechanism to ensure the development would be car free, the proposal is likely to exacerbate local on-street parking. Thus the introduction of the CPZ represents a change in circumstances as a result of which the Council was justified in including parking levels within their reasons for refusal.

5. The case put forward by the Council was sufficiently clear, based on relevant local and national planning policies, and its reasons for refusal were adequately substantiated. The applicant additionally refers to other appeal decisions and planning approvals surrounding the appeal site. Nevertheless, each case must be considered having regard to the specific circumstances of the proposal and its location. For the reasons given in the Appeal Decision, these do not justify a different decision.
6. Accordingly, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

N Unwin

APPEAL PLANNING OFFICER

Inspector's Decision

7. I have considered all the submitted evidence and my representative's report and on that basis the application for an award of costs is refused.

R Hall

INSPECTOR