



Costs Decision

Site visit made on 14 January 2025

by **L Francis BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15th May 2025

Costs application in relation to Appeal Ref: APP/Z5060/W/24/3348515

25 Alleyndale Road, Dagenham RM8 2JQ

- 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 Mohamed Bharadia for a full award of costs against the Council of the London Borough of Barking & Dagenham.
 - The appeal was against the refusal of planning permission for the construction of a 1 bed 1 person dwelling with associate external amenity, parking space, bicycle store and waste storage at land adjacent to 25 Alleyndale Road.
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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. However, 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 appellant has submitted their claim on the basis that the Council has behaved unreasonably on both procedural and substantive grounds. There are four grounds on which the costs claim is based, set out in Section 2(a) to (d) of the appellant's submission.
4. Firstly, the Council is said to have not engaged in the appeal process and has failed to adhere to deadlines or provide information. Specifically, this relates to downloadable links sent to the Council by the appellant on submission of his appeal. The links were sent on 20 July 2024. The Council tried to download them on 15 August 2024 by which point they had expired and they had to be re-sent by the appellant. The appellant also did not then receive a copy of the Council's questionnaire. The Council accept that this was an administrative error. Nevertheless, this should have been provided to the appellant and the Council failed to adhere to the deadline set out in the appeal start letter. However, it is unclear how this failure to meet the deadline would have resulted in additional costs at appeal stage.
5. Although the Council indicated in their questionnaire that a statement would be submitted, this was not done. However, the submission of a statement of case for an appeal is not mandatory, so has not led to unreasonable behaviour by the Council, and the consequences of this would not have resulted in additional costs for the appellant at appeal stage.

6. Secondly, the Council is alleged not to have used relevant evidence during the application phase, committing errors of fact and providing information that is shown to be inaccurate or untrue. Thirdly, a failure to take into account material considerations in respect of the reasons for refusal and an inconsistency in decision making. Finally, making vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis. The appellant references paragraphs 6.2 to 6.5, 6.14, 6.16 and 6.18 of his statement of case as evidence.
7. The appellant considers the Council painted a utopian picture of the character and appearance of the area that is significantly variant to the reality and its decision making was inherently flawed from the outset. The appellant's evidence drew attention to many examples of alterations and extensions across the Becontree Estate, with particular regard to decisions at 237 Grafton Road, 68 Ivyhouse Road and 18 Stockdale Road. Although I acknowledge the various alterations and extensions brought to my attention, I have agreed in my decision with the Council regarding the proposal's effect upon the character and appearance of the area, including its effect upon the significance of the Becontree Estate as a Non-Designated Heritage Asset. The other matters brought to my attention including supplementary planning guidance, media articles and other planning decisions across the estate would, as set out in my decision, would not have led me to a different decision.
8. The officer's report uses plurals when referring to the future occupant and their potential use of a vehicle. This is unfortunate and I acknowledge could lead to confusion. Nevertheless, the parking standards set out in the London Plan and the Barking and Dagenham Local Plan are based on the number of bedrooms and not occupiers. The use of plurals in the report does not change the policy basis on which the proposal was assessed. As set out in my decision, without the provision of an off-street car parking space, or appropriate mitigation in the form of a suitable mechanism to remove access to CPZ car parking permits, the proposal is likely to lead to an increase in demand for on-street parking. This was not adequately mitigated by the provision of a motorcycle parking space. The other decisions I was referred to were not sufficiently similar in circumstances to alter my assessment in this regard. Nevertheless, each case must be considered with regard to the specific circumstances of the proposal and characteristics of its location.
9. The case set out by the Council in their Officer's Report was sufficiently clear. It was based on local and national planning policies. I am satisfied that the Council gave a reasoned assessment for their decision, and it was not unreasonable for them to have refused the planning application. They have not prevented or delayed development which should clearly have been permitted.
10. For the reasons set out above, unreasonable behaviour resulting in unnecessary or wasted expense at appeal stage has not occurred and an award of costs is not warranted.

L Francis

INSPECTOR