



Costs Decision

Site visit made on 28 April 2025

by **C Mayes CMLI**

an Inspector appointed by the Secretary of State

Decision date: 13th of June 2025

Costs application in relation to Appeal Ref: APP/Z5060/W/25/3361092 32 Standfield Gardens, Barking and Dagenham, Dagenham RM10 8JS

- 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 Denis Peposhi 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 a 1 bed 1 person dwelling with associated external amenity, bicycle store and waste storage.
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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. Unreasonable behaviour on the part of a local planning authority may include 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, acting contrary to, or not following, well-established case law, or not determining similar cases in a consistent manner.
4. In claiming the cost of the appeal, the applicant submits that the Council has acted unreasonably both in procedural and substantive terms. In substantive terms, the applicant considers the Council to have applied policy illogically, speculatively and irrationally with regard to effects on the character and appearance of the area and car parking provision. Procedurally, it is asserted that the Council acted unfairly by failing to act on the advice of their ecological consultant and seek further information or clarification from the applicant with regard to statutory Biodiversity Net Gain (BNG) requirements.
5. As is evident from the Council officer's report and its response to the appellant's statement of case, the Council had regard to the character and appearance of the surrounding area in making its decision. This gave due consideration to other development in the area. Furthermore, the Council noted and set out the context of the appeal site. This included that it considered and has consistently described the area as a non-designated heritage asset, and that the appeal site positively contributes to its significance. It then made reasoned conclusions based on the effect of the proposed development on the character and appearance of the area. The fact that there are other developments within the Becontree Estate does not in

itself constitute a loss of heritage significance or justify that consent should be granted for development at the appeal site.

6. The applicant claims that the Council acted unreasonably by failing to follow advice from the Highway Officer with regards to parking provision and that their decision on this matter was not supported by policies within the development plan. As set out in the Appeal Decision, the proposed development includes parking provision for the host property and a one-bedroom dwelling with no allocated off-street parking. As such, without a mechanism to ensure the proposed dwelling would be car-free, the proposed development is likely to exacerbate local on-street parking. The Council gave due regard to the Highway Officer's advice and incorporated it into their assessment of the application.
7. With regards to this matter, 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.
8. The Council's reasons for refusal of permission included a failure to provide sufficient evidence to justify an exemption from BNG requirements. As set out in the Appeal Decision, the evidence supporting the claimed exemption from BNG requirements was unclear. As such, the Council determined the application based on the evidence before them and advice from their ecological consultants. Failure to seek clarification or further information from the applicant on this matter, given the other reasons for refusal, does not amount to a lack of co-operation with the applicant and is not procedurally unreasonable.
9. Furthermore, the applicant contends that the Council afforded undue weight, individually and cumulatively, to the reasons for refusal when exercising their planning balance required under paragraph 11(d) of the National Planning Policy Framework. However, the Council officer's report sets out the benefits of the development and the weight attributed to them and that these were clearly outweighed by the significant adverse effects and harm to the character and appearance of the surrounding area, and failure to address issues relating to parking provision and BNG requirements.
10. I have found in my Appeal Decision that the reasons for refusal were substantiated and that the harm arising from the proposed development would significantly outweigh the benefits. As such, I do not consider that the Council acted unreasonably in refusing permission.
11. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not occurred and an award of costs is not warranted.

C Mayes

INSPECTOR