



Costs Decision

Site visit made on 19 August 2025

by **S Simms BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 September 2025

Costs application in relation to Appeal Ref: APP/Z5060/W/25/3365032 420 Goresbrook Road, Dagenham RM9 4UX

- 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 construction of a two storey side extension and a single storey front extension to create a new 1 bed, 2 person dwelling with associated cycle and refuse stores, and a front porch to the host dwelling.
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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 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 seeks a full award of costs on the grounds that the Council failed to apply the Development Plan, to conduct the appropriate balancing exercise, and to substantiate its reasons for refusal; made vague or inaccurate assertions, was inconsistent in its decision and failed to engage with material considerations.
4. It can be useful but is not essential to consider monitoring information to determine the weight to attach to a policy. The Council acknowledged the mandatory nature of Policy H2 of the London Plan and noted the strong policy support it provides for small sites. It did not consider Policy D1 of the London Plan directly relevant. Whilst I note that the applicant considered Policy D1 relevant and commented on it, a copy of the policy was not provided with the final comments. I am content that the Council had regard to relevant local policies that reflect and conform to this part of the London Plan, including Policy SPP6 of the BDLP.
5. The Council did not solely assess design under Policy D4 of the London Plan, the procedural aspects of which could reasonably be said to be relevant, nor did it treat the Becontree Estate as a designated heritage asset. Rather it came to a different, still reasonable, view as to whether to treat it as a non-designated heritage asset.
6. Whilst the Council stated that the presumption in favour of sustainable development was 'engaged' and then found it was not due to the adverse impacts, it is, in my view, clear that they carried out the appropriate balancing exercise and considered

the relevant sections of the National Planning Policy Framework. In doing so, the Council clearly gave weight to the substantial under-delivery of housing.

7. As Policy D4 of the London Plan confirms, it is for applicants to support their design with appropriate analysis. The Council addressed the most relevant developments referred to it in a proportionate manner, substantiated both of its refusal reasons and made reasonable judgements in comparing their effects.
8. The previous permission in relation to the site referred to by the applicant is no longer extant. In respect of the certificate, it was not necessary for the Council to assess all possible alternative lawful developments, if it considers none to be comparable or as harmful. Consequently, it was reasonable of it not to do so.
9. Small changes in the weight given to policies in emerging or adopted plans might affect the outcome of decisions. It is therefore reasonable to distinguish between decisions made before the adoption of the Barking and Dagenham Local Plan in September 2024 and those made after it.
10. The Council made reasonable and proportionate efforts to distinguish the proposal from the most relevant past decisions referred to it. It also referred to the Mayor's Small Site Design Codes London Plan Guidance (June 2023) and, whilst not directly addressing it, explained in other ways why the proposal did not reflect the types of development to which it refers.
11. The Council stated in its Statement of Case that the reasons for refusal related to car parking and biodiversity, as well as to design. These were not included in the decision notice and, consequently, this was unreasonable behaviour.
12. However, the applicant's response did not include the substantial provision of new evidence but rather extended to pointing out that these were not reasons for refusal and disputing their contribution to the planning balance.
13. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

S Simms

INSPECTOR