
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: 2 October 2025

Costs application in relation to Appeal Ref: APP/Z5060/W/25/3365580

23 Maplestead Road, Dagenham RM9 4XH

- 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 2 storey side extension and single storey front extension to create a new 1 bed 2 person dwelling with associated cycle and refuse store 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 (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 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. In my view, the Council applied Policy SPP6 of the Barking and Dagenham Local Plan (September 2024) (BDLP) reasonably, did not conflate it with conservation area controls and did not suggest that it prohibited development. It was reasonable not to refer to Policy D1 as it does not directly address development management.
5. It also applied Policies D4 and H2 of the London Plan reasonably: Whilst Policy D4 deals principally with process, it nonetheless applies to smaller developments. The Council noted both that Policy H2 supports developments on small sites and that 66% of the housing requirement had been delivered.
6. The Council did not address compliance with Policy T6.1 in detail. However, as Policy T6(F) of the London Plan counts motorcycle spaces towards the maximum for car spaces, the proposed motorcycle space does not comply with Policy T6.1, which sets a maximum of 0.75 parking spaces in the appeal case.
7. Whether permission has been granted for car-free development on sites with a Public Transport Accessibility Level (PTAL) score of 2 elsewhere does not establish the effects in this case and it is reasonable of the Council to seek evidence of this.

8. As Policy D4 of the London Plan confirms, it is for applicants to support their design with appropriate evidence. The Council need not engage in extensive analysis of previous permissions and reasons for refusal, particularly when they were decided several years ago under a different development plan.
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. Similarly, it is reasonable for the Council to focus on the application site and others like it. A lack of reference to sites with different local services, accessibility or other characteristics is not a failure to engage with a material consideration.
11. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

S Simms

INSPECTOR