
Costs Decision

Site visit made on 19 August 2025 by T Morris BA (Hons) MSc

Decision by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2025

Costs application in relation to Appeal Ref: APP/Z5060/D/25/3367310 59 Western Avenue, Dagenham, Barking and Dagenham, RM10 8UD

- 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 Hafuzi for an award of costs against the Council of the London Borough of Barking and Dagenham.
 - The appeal was against the refusal of planning permission for construction of a part two storey part single storey rear extension.
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Decision

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

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the application.

Reasons for the Recommendation

3. 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. Costs may be awarded to any party regardless of the outcome of the appeal.
4. The application for costs is based on the applicant's concern that the Council acted unreasonably in reaching its decision as they have granted planning permission for larger extensions in the same street, on the same type of property, under the same Supplementary Planning Document, and have therefore been inconsistent in their decision making. In the applicant's view, this has led to the unnecessary or wasted expense of having to appoint a planning consultant to undertake the appeal.
5. However, the Council's decision notice and officer report sets out the reasons why they refused the planning application. This includes reference to the current development plan policies which the Council believe the proposal conflicts with, as well as the relevant sections of the National Planning Policy Framework. These national and local policies were not in place at the time of the applications referred to by the applicant. The Council's costs rebuttal also provides further narrative on the ways in which the appeal proposal differs from the examples provided by the applicant. I have also in my recommendation found differences in terms of the absence of rear dormer windows to the approved plans, even if these were

subsequently installed. These differences in decision making does not, therefore, amount to unreasonable behaviour.

6. Therefore, while the applicant may disagree with the Council's conclusions, I am satisfied that the Council have exercised their planning judgment and have substantiated their reasons for refusal of the proposed development.

Conclusion and Recommendation

7. I therefore conclude that this is a matter of disagreement between the parties on the planning merits of the case and it is not unreasonable behaviour resulting in unnecessary or wasted expense for the applicant. Consequently, an award of costs is not justified. I therefore recommend that the application for an award of costs is refused.

T Morris

APPEAL PLANNING OFFICER

Inspector's Decision

8. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the application for an award of costs is refused.

A M Nilsson

INSPECTOR