
Costs Decision

Site Visit made on 9 December 2025

by **J Whitfield BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27th March 2026

Costs application in relation to Appeal Ref: APP/Z5060/C/24/3340354 197 Broad Street, Dagenham RM10 9JD

- The application is made under the Town and Country Planning Act 1990 (the Act), sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by KSS Healthy Foods Ltd. for a full award of costs against the Council of the London Borough of Barking & Dagenham (the LPA).
 - The appeal was against an enforcement notice alleging, without planning permission, the unauthorised change of use to a hot food takeaway (Sui Generis).
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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 argues that the LPA has behaved unreasonably in issuing the notice because the unit has been closed and the appellant reached out to the LPA prior to the notice on the basis the Land was in use as a restaurant and not a takeaway.
4. However, the Act is clear that it is open to an LPA to issue an enforcement notice where it appears to them there has been a breach of planning control and it was expedient to do so. As can be seen from my appeal decision I have found that a breach of planning control did take place. The matter of expediency is one for the LPA to determine. Thus, I see no reason why it was unreasonable of the LPA to issue the notice.
5. The applicant also argues that there is no evidence that the unit is used as a takeaway and not a restaurant with ancillary takeaway element. However, that argument goes to the appeal on ground (b), not the behaviour of the LPA. I have addressed that in my appeal decision. The applicant also says the LPA did not visit the Land prior to the issue of the enforcement notice. However, no evidence of that is provided and it calls into question how the LPA could have issued a notice if it was unaware of a breach of planning control having occurred.
6. I find that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

J Whitfield

INSPECTOR