The Planning Inspectorate

Costs Decision

Site visit made on 7 March 2017

by J A B Gresty MA MRICS

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date:

Costs application in relation to Appeal Ref: APP/L5240/D/16/3167778 26 Byron Road, Selsdon, South Croydon CR2 8DY

- 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 Patricia Ruth Underwood for a full award of costs against the Council for the London Borough of Croydon.
- The appeal was against the refusal of planning permission for change of Hip Roof design to a Gable End including a loft "set back Dormer" on the rear elevation in compliance with Planning regulation.

Decision

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

Reasons

2. 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 indicates that the Council failed to make its decision in accordance with current planning policies and misrepresentations were made to her by the Council. However, the Council's decision was consistent with the development plan policies and its reasons for refusal were clear and reasonable. Accordingly, in this respect the Council has not behaved unreasonably and its actions did not result in the applicant incurring unnecessary or wasted expense.

4. In the application for costs, the applicant refers to planning application reference 13-02134-P. However, from the applicant's representations, it is unclear how the Council's actions in connection with planning application reference 13-02134-P resulted in unnecessary or wasted expense with respect of this appeal, Appeal Ref: APP/L5240/D/16/3167778.

5. Whilst the applicant does not agree with the Council's views with regard to the appeal scheme and it would appear that she has not been able to make use of the house for several years because of ongoing planning applications and building works, this is not an indication that the Council has behaved unreasonably and that its behaviour has resulted in the applicant incurring unnecessary or wasted expense in the appeal process.

6. Overall, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

J A B Gresty

INSPECTOR