



Costs Decision

Site visit made on 13 November 2017

by Nicola Davies BA DipTP MRTPI

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

Decision date: 29th November 2017

Costs application in relation to Appeal Ref: APP/M3645/W/17/3180308 409 to 411 Croydon Road, Caterham CR3 6PP

- 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 C G Pettersson of Redab Properties Plc for an award of costs against Tandridge District Council.
 - The appeal was against the refusal of planning permission for demolition of one and two storey buildings and erection of a three storey mixed use building to form part Use Class B1(a) at ground floor (office) and Use Class C3 at first and second floors (4 x 2b duplex) and separate three storey building with Use Class C3 over all floors (3 x 1b and 3 x 2b).
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Decision

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

Reasons

2. Irrespective of the outcome of the appeal, costs may only 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 appellant considers that the local planning authority acted unreasonably, both procedurally and substantively, prior to the determination of the application which resulted in the appellant having to avail of the appeal process.
4. The appellant indicates that the proposal has been subject to significant amendment as a result of pre-application advice, the application process relating to the previous scheme and amendments made during the course of the Council's consideration of this scheme. The most recent amendments sought to address Caterham Valley Parish Council concerns in relation to this proposal. The appellant is aggrieved that the Council determined the application without undertaking further consultation upon the amended plans or referring the application to committee. It is contended that this latest scheme should have been granted by the Council given the substantial changes made to address the comments received and reasons for refusing the first scheme.
5. The appellant asserts that the refusal of planning permission has prevented and delayed development and, given the amount of changes made to the proposal, it should have been permitted commenting that the Council officer considered the first scheme to be in accordance with the Development Plan.

The refusal of this second scheme has led to the appellant incurring significant expense, which includes the costs of appointing technical consultants to prepare the application for the second scheme and in submitting the appeal.

6. I acknowledge that the proposed redevelopment of this site has been subject to considerable amendment to address pre-application advice, consultation comments and reasons for refusal over its various passages through the Council's planning processes. Whilst the appellant, in good faith, has sought to address concerns that have arisen at each stage, it is open to the Council to come to a view on each different proposal. However, the Council must give adequate reasons for its decision. I am satisfied that the application was considered on its own merit in light of policy considerations and that the Council has substantiated its reason for refusal in these respects. The fact that I have arrived at a contrary view in relation to this proposed development does not, of itself, show that the Council has behaved unreasonably.
7. Whilst the Council may not have sought to undertake further consultation upon receipt of amended plans or to refer the application to committee, there is no substantive evidence before me that would indicate that Council has fallen short of its democratic procedures and processes.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Nicola Davies

INSPECTOR