



Costs Decision

Site visit made on 18 December 2019

by L Gilbert BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th February 2020

Costs application in relation to Appeal Ref: APP/L5240/Z/19/3236304 Croydon Podiatry Ltd, 80 North End, Croydon CR0 1UJ

- The application is made under section 322 of the Town and Country Planning Act 1990, Regulation 17 of the Town and Country Planning (Control of Advertisements) Regulations 2007, and section 250(5) of the Local Government Act 1972.
 - The application is made by Michael Plank for a full award of costs against the Council of the London Borough of Croydon.
 - The appeal was against the refusal of advertisement consent for a proposed A Board to sit on pavement.
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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 previously applied for advertisement consent (reference 18/03846/ADV) which was refused. The applicant argues they missed the deadline to appeal this decision because the Council's website and decision notice were not clear about the appeal deadline. Therefore, they reapplied to the Council and appealed their more recent decision notice (19/02847/ADV). The applicant considers this has caused an unnecessary waste of time and effort, and that they were forced to spend six months gathering information in order to reapply for planning permission. They also made complaints to the Council and were not satisfied with the response. The Council argues that the advice on their website was not applicable to advertisement consent and the relevant legislation was included on the decision notice.
4. The application for an award of costs must relate to the current appeal. The recent decision notice (19/02847/ADV) clearly specifies the appeal timeframe. I have not been provided with full details of what was written on the Council's website regarding appeal timeframes. I understand the applicant had intended to appeal the previous decision notice and therefore would have otherwise incurred appeal costs for this decision. I have not been persuaded that unnecessary or wasted expense has occurred in the appeal process for this current appeal. I understand the applicant is unhappy with the Council's handling of their complaints, however this matter relates to the application and does not relate to costs incurred during the appeal process.

5. The second matter raised by the applicant was that the reason for refusal was based solely on amenity and did not include safety. They consider the decision may be invalid or unlawful because safety was raised in the Officer's Report. The applicant raised this with the Council following the issuing of the first decision notice, but this was repeated in the latest decision. The applicant said they had to use time to research the safety aspects of the A Board. The Council argues their Officer's Report supports the decision notice and there is consistency between the reasons for refusal on both decision notices.
6. In assessing advertisement consent applications, the issues are confined to amenity and public safety. Paragraph 5.10 of the Officer's Report explains that the A Board may obstruct the footpath but found on balance that the proposal would be acceptable in terms of pedestrian safety. I find it reasonable for the Council to consider public safety in their assessment and to not include it as a reason for refusal. The decision notices are both valid and lawful. Although there appears to be some confusion for the applicant as to whether public safety was part of the reason for refusal, I do not consider the Council has acted unreasonable in this instance.
7. I find nothing to suggest that a decision was not made on the merits of the proposal. I also find no substantive evidence that the applicant incurred any additional expense.

Conclusion

8. I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. I therefore determine that the costs application should fail and no award is made.

L Gilbert

INSPECTOR