
Costs Decision

Site visit made on 10 March 2020

by Mr D.R McCreery MA BA (Hons) MRTPI

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

Decision date: 17 March 2020

Costs application in relation to Appeal Ref: APP/L5240/W/19/3242553 19 Ashburton Road, Croydon CR0 6AN

- 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 Abbass Datto for a full award of costs against the Council of the London Borough of Croydon.
 - The appeal was against the refusal of planning permission for conversion of existing outbuilding to residential flat.
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Decision

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

Reasons

2. Paragraph 030 of the Planning Practice Guidance advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. Paragraph 049 of the Planning Practice Guidance states that examples of unreasonable behaviour by local planning authorities include failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The applicant states that the Council unreasonably refused an application that should have been granted, failed to engage positively in the application process, and misrepresented facts, which has led to unnecessary or wasted expense.
5. The report that accompanies the Council's decision notice set out the reasoning behind each of their reasons for refusal. Whilst I have disagreed with their assessment in relation to refuse storage and living conditions of existing occupiers of 19 Ashburton Road, the Council do explain their reasons and support them with analysis.
6. The Council expressed concerns about the standard of accommodation that would be provided, in particular in relation to light conditions. The Sunlight and Daylight Assessment submitted with the appeal dated 26 November 2019 was an important assessment to address this issue at appeal.

7. Given the conclusions of this appeal, I find that the Council's reasons in relation to character and appearance and impact on the conservation area were well founded and supported by analysis.
8. The references that the applicant makes in their evidence to comments made by the Council which they consider to be false or misleading and the general level of interaction with the Council are noted. For the purposes of this appeal I considered evidence submitted by both parties to reach a reasoned conclusion. Whilst I understand that the appellant is unhappy with the Council's general treatment of the application, these are matters that relate more to the handling of the planning application, rather than the appeal process.
9. For the reasons set out above I find that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the Planning Practice Guidance, has not been demonstrated.

D.R. McCreery

INSPECTOR