
Costs Decision

Site visit made on 29 September 2020

by Peter Mark Sturgess BSc (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday, 03 December 2020

Costs application in relation to Appeal Ref: APP/L5240/W/20/3254221 405 Whitehorse Road, Croydon, CR7 8SD

- 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 R Wilson On Site Developments for a full award of costs against the Council of the London Borough of Croydon.
 - The appeal was against the refusal of the Council to grant planning permission for conversion of existing dwellinghouse together with two storey rear extension, loft conversion and roof extension to provide 2 self-contained residential units with associated bicycle storage and refuse storage.
-

Decision

1. The application for a full award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that parties at planning appeals normally meet their own costs. Costs are normally awarded where one party has behaved unreasonably and that unreasonable behaviour has caused the party applying for costs to incur wasted or unnecessary expenditure in the appeal process.
3. The applicant alleges that he incurred unnecessary expenditure by having to pursue an appeal, as the development could have reasonably been permitted with conditions as the Council has inaccurately interpreted the '*Technical housing standards – nationally described space standards*' 2015 (NDSS). The applicant contends that this amounts to unreasonable behaviour that relates to the substance of the Council's case and has resulted in unnecessary or wasted expenditure in him having to pursue the appeal.
4. I have had regard to the applicant's argument around the calculation of the Gross Internal Area (GIA) of the proposed studio flat in the appeal decision. I have found that the way the Council calculated the GIA for the studio flat is consistent with the NDSS.
5. I therefore conclude, having regard to all other matters raised, that unreasonable behaviour by the Council leading the applicant to incur wasted or unnecessary expenditure has not been demonstrated, and it follows that an award of costs is not justified.

Peter Mark Sturgess

INSPECTOR