



Costs Decision

Site visit made on 21 January 2021

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 16 March 2021.

Costs application in relation to Appeal Ref: APP/M3645/W/20/3256607 139-141 Clearway Court, Croydon Road, Caterham CR3 6PF

- 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 TISL Holdings Ltd for a full award of costs against Tandridge District Council.
 - The appeal was against the refusal of planning permission for extension to the roof of the building to create a third floor; change of use of ground, first and second floors to flats following prior approval for conversion to residential, together with car parking, 22 flats in total (12 x 1 bed flats and 13 x 2 bed flats).
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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 application was recommended for approval by the Officers but the recommendation overturned by Committee and the application refused. The Council is not duty bound to follow the advice of its professional officers, but if a different decision is reached, the Council has to demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence to substantiate that reasoning.
4. The Council refers at length to the discussion at the Committee meeting although I have no evidence before me to corroborate the points made. Nonetheless, the reasons for the refusal set out in the decision notice are complete, precise, specific and relevant to the application. They also clearly state the policies of the Tandridge Local Plan Part 2 and Tandridge District Core Strategy that the proposal would be in conflict. Although briefly set out, I find that the reasons for refusal as amplified the Council's statement of case did provide clear reasons to demonstrate why the proposal was determined to be unacceptable.
5. Although I do not agree with the Council's reason for refusal in respect of the effect of the proposal on the character and appearance of the local area, I share the concerns found by the Council in respect of the effect of the proposal on the living conditions of existing neighbours and future residents of the

proposed flats. These concern in my view also justify refusing permission for the proposed development.

6. Furthermore, in respect of the relationship between the proposed flats and the flats at the neighbouring property Ashton Court, I accept the Council's contention that the members would have had the proposed conditions to address this matter in front of them but did not consider that this would resolve the harm identified. This is a conclusion that I have also reached.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

L J Evans

INSPECTOR