



---

## Costs Decision

**by Zoë Franks Solicitor**

**an Inspector appointed by the Secretary of State**

**Decision date: 21<sup>st</sup> June 2021**

---

**Costs application in relation to Appeal Ref: APP/L5240/X/21/3267202  
The Billiards, 32 Plough Lane, Purley, Surrey, CR8 3QA**

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
  - The application is made by Jeremy Barry for a full award of costs against the Council of the London Borough of Croydon.
  - The appeal was against the refusal of a certificate of lawful use or development for use as a single dwellinghouse.
- 

### Decision

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

### Reasons

2. Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs can only be awarded where a party has behaved unreasonably and that unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The applicant's cost application is on the basis that the Council failed to engage properly in the LDC process, adopted an unsustainable reason for refusal not supported by law or fact (including taking account of the lack of council tax registration) and dismissing clear, cogent and probative evidence without giving a reason. The Council has not responded to the application.
4. I have found that the Council's decision to refuse the LDC application was not well-founded but this does not necessarily mean that the Council has behaved unreasonably. The Council did consider the evidence submitted with the LDC application and requested additional corroborative evidence which it believed would help to support the application, and in doing so did engage with the appellant during the process. Whilst I do not agree with the Council that the shared access arrangement and the lack of Council Tax registration and continuous utility records alone point to the appeal property not being used as a separate dwellinghouse, the Council did give reasons for the refusal of the LDC and it was not unreasonable of the Council to take this view.
5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

*Zoë Franks*

INSPECTOR