



Costs Decision

Site visit made on 4 June 2021

by S Poole BA(Hons) DipArch MPhil MRTPI

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

Decision date: 01 July 2021.

Costs application in relation to Appeal Ref: APP/L5240/W/20/3264278 41 Woodcrest Road, Purley CR8 4JD

- 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 Abdulla El Hilly, Infinity Homes Group, for a full award of costs against Council of the London Borough of Croydon.
 - The appeal was against the refusal of planning permission for demolition and erection of a three-storey building with accommodation in the roof, comprising of 3 x 3 bedroom units and 5 x 2 bedroom units, together with associated car parking, cycle parking, refuse storage and landscaping.
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Decision

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

Reasons

2. National Planning Practice Guidance (the 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 Guidance advises that local planning authorities are at risk of an award of costs against them if they prevent or delay development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
4. In the view of the appellant the Council has acted unreasonably in refusing the planning application as the planning committee misdirected itself in respect of its interpretation of the development plan. The Croydon Local Plan (2018) seeks high quality design that respects and enhances local character. It is entirely reasonable for the planning committee to take a contrary view to that put forward by officers where judgement of this type is required. The planning committee rightly considered the proposal on its individual merits.
5. The Council has provided clear reasons for refusal which are substantiated in the Statement of Case. As the appeal has been dealt with via the written representations route and the issues of contention were limited in scope, I see no need whatsoever for the appellant and Council to have agreed areas of common ground as part of the appeal process. Doing so would have amounted to unnecessary and wasted expense in the appeal process for both parties in this case.

6. The Guidance states that local planning authorities are required to behave reasonably in relation to procedural matters at the appeal. Examples of unreasonable behaviour relating to the appeal process include, amongst other matters, *“providing information that is shown to be manifestly inaccurate or untrue”*. I find nothing in the Council’s appeal submissions that is manifestly inaccurate or untrue.
7. The appellant alleges the Council has acted unreasonably by *“failing to grant a further planning permission for a scheme that is the subject of an extant or recently expired permission where there has been no material change in circumstances”*. There is no extant or recently expired permission relating to the appeal site and as such this allegation is unsubstantiated.
8. For these reasons I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance has not been demonstrated.

S Poole

INSPECTOR