



---

## Costs Decision

Site visit made on 29 June 2020

**by J Davis BSc (Hons) MSc MRTPI**

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

**Decision date: 27 July 2021.**

---

### **Costs application in relation to Appeal Ref: APP/L5240/W/21/3266452 19 Ashburton Road, Croydon, CR0 6AP**

- 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 A 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 'The proposal involves the 'change of use' from an outbuilding under 'C3 – single dwelling houses' use, to a separate C3 use – Single dwelling house' for the purposes of Accessible Accommodation for and on behalf of Croydon Housing Initiatives Department. The proposal also makes external, fenestration, and internal alterations in order to cater for the much needed accommodation, without negatively effecting the surrounding properties or streetscene.'
- 

### **Decision**

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

### **Reasons**

2. The Planning Practice Guidance (PPG) 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 applicant claims that the Council behaved unreasonably on the following grounds:
  - Failure to engage with the applicant when issues could have been overcome or dealt with by conditions; and
  - Continuing the same arguments in relation to refuse, cycle storage, amenity and outlook that were considered acceptable by a previous Inspector.
4. The PPG also states that a local planning authority is at risk of an award of costs if they behave unreasonably with respect to persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable. It also states that refusing on a planning ground capable of being dealt with by conditions risks an award of costs, where it is concluded that suitable conditions would enable the proposed development to go ahead.

5. As set out in my main decision, I have found that the proposal would have a harmful effect on the living conditions of future occupiers with reference to outlook and it follows that the Council did not act unreasonably in refusing the application on this ground.
6. Whilst I have found that the proposal would preserve the character or appearance of the conservation area, this is a subjective judgement. The Council's officer report provided sufficient evidence to support its reason for refusal which is sufficiently clear and precise and it was not unreasonable for the Council to take the view it did.
7. With regard to refuse storage and cycle parking, whilst I have found these aspects of the appeal proposal to be acceptable, they are not matters which the Council could have conditioned as the proposal was considered unacceptable for other reasons. As stated in my main decision, I have not been provided with the plans to demonstrate the similarities between the current appeal proposal and the previous scheme considered at appeal. Furthermore, I am not persuaded that better communication with the applicant would have avoided the need for the appeal and the normal expenses associated with it.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Consequently, an award of costs is not justified.

*J Davis*

INSPECTOR