



Costs Decision

Site visit made on 27 September 2022

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 November 2022

Costs application in relation to Appeal Ref: APP/L5240/W/22/3299357 34A and 34B Arkwright Road and rear section of 34 Arkwright Road, South Croydon CR2 0LL

- 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 Martin Avery - Chartwell Property Group for a full award of costs against London Borough of Croydon.
 - The appeal was against a refusal to grant planning permission for 'Demolition of 2 dwellings and erection of a 3/4 storey building comprising 19 flats with associated car parking, cycle and refuse storage and landscaping. Alterations to existing vehicular access/road'.
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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 PPG provides that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing planning applications, or by unreasonably defending appeals. Examples of this include where there is a failure to produce evidence to substantiate each reason for refusal on appeal or where vague, generalised or inaccurate assertions are made about a proposal's impact which are unsupported by any objective analysis.
4. The appellant contends that the design of the proposal followed extensive discussions with the Council's officers and suggests that the Council should have obtained external design advice before reaching its decision.
5. However, there is nothing before me to suggest that the Council's Planning Committee did not have sufficient information before it, both in terms of the design of the development or the surrounding context, in order to be able to make an informed decision. There is no compulsion on a local authority to seek independent design advice in situations where it reaches a different conclusion to its officers on such matters. The Council's statement of case further substantiates the reason that the Council refused planning permission. Taking these matters into account and given I have also found that the proposal would be harmful to the character and appearance of the area, I am satisfied that the Council's concerns were well founded. Therefore, the Council was entitled to reach its own conclusion on what is a subjective matter.

6. For the reasons set out, I therefore find that there has not been unreasonable behaviour which has caused unnecessary expense in this instance and the application for costs is refused.

M Russell

INSPECTOR