



Costs Decision

Site visit made on 19 October 2022

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2022

Costs application in relation to Appeal Ref: APP/L5240/W/22/3298618 29 Plough Lane, Purley CR8 3QG

- 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 Rin Choi for a full award of costs against the Council of the London Borough of Croydon.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for existing side and rear extension to be partially demolished with the construction of a side 2 storey extension and loft space, and rear dormer window. Including the construction of a rear extension and material alteration of the existing rear extension and the infill construction of a front extension and re-positioned front entrance, and a rear terrace and all ancillary works.
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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. It also states 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 failing to determine planning applications, or preventing or delaying development that should clearly be permitted.
4. The applicant considers that the Council has exhibited unreasonable behaviour through lack of communication and failure to determine the application. And that as a result costs have been incurred unnecessarily in appointing others to prepare and lodge an appeal.
5. On the basis of the dates provided by the applicant, pre-planning advice was sought, which took several months, and the planning application was therefore submitted prior to its receipt in February 2022. The application was received and validated by the Council on the same day and consultations were carried out promptly, but no decision was made within an 8 week period. The applicant states their attempts to engage with the Council to resolve any issues with the proposal were unsuccessful, and they had received no indication as to when the application would be determined. As agents for the applicant had waited 10

months for a decision on another case, the appeal was lodged in May 2022. The Council responded promptly in accordance with the appeal timetable, advising that it would not contest the appeal, and that planning permission could be granted subject to conditions.

6. I am unable to consider the effects of delays in the pre-planning process, but note the applicant's uncertainty as to when a decision would be made on the planning application. The applicant was entitled to appeal against the Council's failure to determine the planning application within 8 weeks. However, some cases will inevitably take longer and, in this case, I do not consider the Council's failure to determine the planning application in around 3 months in itself demonstrates unreasonable behaviour. Although the Council have determined not to contest the appeal, I also note its considered approach in coming to that view. Consequently, I consider the Council has not unreasonably delayed development that should clearly be permitted.

Conclusion

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.