



Costs Decision

Site visit made on 5 November 2022

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 DECEMBER 2022

Costs application in relation to Appeal Ref: APP/L5240/W/22/3293516 19 Ashburton Road, Croydon CR0 6AN

- 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 Marlpark Homes Ltd 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 alterations to the building at the rear of the site as part of the proposed change of use from storage and leisure into a self-contained dwelling.
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Decision

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

Reasons

2. The Planning Practice 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 appellant submits that the Council has referred to issues which had been addressed in previous appeal decisions. However, the appeal before me differs from those previous decisions in important respects, and as I have dismissed this appeal I cannot agree that the Council has behaved unreasonably in that regard.
4. I have disagreed with the Council in respect of the outlook from the bedrooms, and this reflects the conclusions of an Inspector on a previous appeal at the site. However, the outlook from these rooms is restricted, and although I do not consider this is sufficient to warrant the refusal of planning permission, this is a matter of planning judgement and given the nature of the outlook it is not unreasonable for the Council to refer to this issue.
5. With regards to the length of time taken to determine the application, it is regrettable that the decision was not made within the statutory deadline. However, the delay in issuing the decision was not excessive and the appellant did not instigate an appeal on the basis of non-determination. Furthermore, given that I have dismissed the appeal this has not led to an appeal that could otherwise have been avoided.
6. In respect of access for people with disabilities, based on the description of the development I have concluded that Policy D7 of the London Plan is not relevant to my consideration of this appeal. However, given the details on the submitted

plans, including the depiction of wheelchairs and a carer's bedroom, it is not unreasonable for the Council to refer to this issue.

7. I have also concluded that Policy DM10 of the Local Plan is not relevant to one of the main issues. But this is a minor matter of detail and does not represent unreasonable behaviour on behalf of the Council.
8. The appellant refers to a lack of collaboration from the Council to determine if the proposal could be amended so that the Council may support the application. However, given the nature of the proposal and the harm I have identified, I do not consider that such amendments could have been made to address these concerns.
9. The appellant refers to pressure from managers within the Council on case officers to refuse various applications at the site. However, this is not supported by any objective evidence.
10. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is not therefore justified.

David Cross

INSPECTOR