
Costs Decision

Site visit made on 10 January 2023

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2023

Costs application in relation to Appeal Ref: APP/L5240/W/22/3305645 2 Highland Road, Croydon, Purley CR8 2HS

- 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 Paul Thompson 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 demolition of existing building and redevelopment of site to provide 8 residential units (Use Class C3) comprising of 3 storeys together with associated cycle provision, amenity space, external landscaping, refuse storage and associated works.
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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 where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The appellant states that the refusal of planning permission was part of a pattern of behaviour by the Council, whereby applications for small scale development have been routinely refused. I am unable to take account of other decisions that the Council has made, given that I don't have details of those applications before me. There is also no clear evidence that this application was refused due to other decisions that the Council has taken.
4. In relation to this particular application, the appellant suggests that the Council's Planning Committee failed to have regard to either national policy or the adopted development plan when coming to their decision against the advice of officers, and also failed to substantiate their reasons for refusal.
5. While the Committee did make a decision that was contrary to officer advice, this is something that they are entirely entitled to do, based on the evidence before them. The reason for the refusal set out in the decision notice is complete, precise, specific and relevant to the application. It also clearly states the policies of the Croydon Local Plan and the London Plan that the proposal would be in conflict with.
6. As set out in my appeal decision, I too have concerns about the effect of the proposed development on the character and appearance of the area and have

dismissed the appeal on that basis. Overall, I have found that the Council's Committee had reasonable concerns about the impact of the proposed development which justified its decision.

7. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

C Butcher

INSPECTOR