



Costs Decision

Site visit made on 13 June 2023

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

an Inspector appointed by the Secretary of State

Decision date: 04 JULY 2023

Costs application in relation to Appeal Ref: APP/L5240/W/22/3307735 1 and 2 Grant Place, Croydon CR0 6PX

- 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 David Hancock for a full award of costs against the Council of the London Borough of Croydon.
 - The appeal was against the refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GDPO) for change of use of existing building at 1-2 Grant Place to form 4 dwellings.
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Decision

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

Reasons

2. The Planning Practice Guidance (the Guidance) advises that costs may only be awarded where a party 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 Class MA of the GPDO does not include a requirement to ensure that developments promote sustainable modes of transport and as such the requirement to secure this through a S106 agreement is wholly flawed and is demonstrable of unreasonable behaviour on behalf of the Council. Similarly, they consider that the provision of cycle parking does not fall within the remit of Class MA.
4. However, the Council is required to have regard to the National Planning Policy Framework (the Framework) so far as relevant to the subject matter of the prior approval, as if the application were a planning application. The Framework sets out that opportunities to promote cycling should be identified and pursued when considering development proposals, and that appropriate opportunities to promote sustainable modes of transport can be taken up. These matters fall within the remit of the consideration of the direct transport impacts of the development, and I therefore conclude that the Council has behaved reasonably in considering these issues.
5. In respect of the provision of refuse and recycling facilities, the external storage of bins could affect the movement of pedestrians and vehicles along the rear lane, which is clearly a potential transport impact of the proposal. It is therefore reasonable for the Council to consider this matter.

6. The appellant also contends that private access rights to neighbouring properties are outside the jurisdiction of the planning system. I have also concluded that the proposed access along the alleyway does not represent a reason to withhold approval. However, the provision of suitable access to the appeal site and the effect on access to neighbouring properties falls within the remit of the consideration of transport impacts, whether that be pedestrian access or other modes of transport. The Council has therefore not behaved unreasonably in considering this issue.
7. I therefore conclude that for the reasons set out above, unreasonable behaviour by the Council resulting in unnecessary or wasted expense has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is not justified.

David Cross

INSPECTOR