



Costs Decision

Site visit made on 11 July 2023

by N Thomas MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2023

Costs application in relation to Appeal Ref: APP/L5240/X/22/3304933 16 Ravenswood Road, Croydon CR0 4BL

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Peter Ball for a full award of costs against London Borough of Croydon.
 - The appeal was against the refusal of a certificate of lawful use or development for rear extension and internal alterations.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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. Paragraph 049¹ of the PPG sets out that a local planning authority is 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 an application.
4. The appellant argues that the Council misunderstood the prior approval process, and therefore the refusal of the LDC application was unreasonable. The applicant is responsible for providing sufficient information to support an application and needs to describe the proposal with sufficient clarity and precision to enable a local planning authority to understand exactly what is involved². The application form contained scant information as to why the applicant considered the proposal to be lawful although it was accompanied by the prior approval decision notice.
5. It is reasonable to expect the Council to be aware of the planning history of the site and the appellant's previous application for prior approval. If the Council had taken into account the planning history of the site before determining the LDC, it seems to me that it is likely that the LDC would have been granted and the need for the appeal would have been avoided. The refusal of the LDC constitutes unreasonable behaviour on the part of the Council, which has resulted in unnecessary or wasted expense being incurred by the appellant in pursuing the appeal.

¹ Paragraph: 049 Reference ID: 16-049-20140306 - Revision date: 06 03 2014

² Paragraph: 006 Reference ID: 17c-006-20140306 - Revision date: 06 03 2014

6. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a full award of costs is therefore warranted.

Costs Order

7. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the Council of the London Borough of Croydon shall pay to Mr Peter Ball, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
8. The applicant is now invited to submit to the Council of the London Borough of Croydon, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

N Thomas

INSPECTOR