



Costs Decision

Site visit made on 4 October 2023

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2023

Costs application in relation to Appeal Ref: APP/L5240/W/23/3317559 Interchange House, 27 Stafford Road, Croydon CR0 4NG

- 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 Anna Gurzhii of Ubiqu Ltd for a full award of costs against the Council of the London Borough of Croydon.
- The appeal was against the refusal of the Council 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 Order') for change of use of ground floor from (Use Class E) Commercial, Business and Service, to provide two x 1 no. bed residential units (Use Class C3).

Decision

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

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. Costs cannot be claimed for the period during the determination of a planning application. However, behaviour and actions at the time of a planning application can be taken into account in consideration of whether or not costs should be awarded¹.
3. In summary, the applicant contends that the proposal as submitted is eligible for consideration under Class MA of the Order; that all of the relevant conditions are satisfied; and that the information provided within the appeal was available to the Council in the application for prior approval. Furthermore, the applicant contends that there is no requirement within Class MA to assess arrangements required for the storage and management of domestic waste or assess adequate waste/refuse provision (the scope of Class MA); and that the Council's objection is without merit. The applicant therefore claims that the Council has acted unreasonably and thus the applicant has incurred unnecessary expense in the appeal process.
4. The Council's officer report on the application and the decision notice sets out clear reasoning for their decision, including how the proposal would, in their view, give rise to transport impacts, with regard to cycling facilities, and for the provision of storage of and arrangements for waste, refuse and recycling. As set out in my Decision, I concur with that view.

¹ Paragraph 028 Reference ID: 16-28-20140306

5. 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.
6. The Framework sets out that opportunities to promote sustainable travel should be identified and pursued in the consideration of proposals, so that opportunities to promote sustainable travel can be taken up. Issues concerning the siting and collection of waste, refuse and recycling can impact upon the safe operation of the highway and the movement of pedestrians, operatives and vehicles. In this regard, these matters clearly fall within the scope of Class MA in terms of transport impact and safe access.
7. Having regard to all of the above, it is therefore clear that the Council has not behaved unreasonably in both procedural and substantive terms.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

J Moore

INSPECTOR