



Costs Decision

Site visit made on 2 November 2023

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2023

Costs application in relation to Appeal Ref: APP/L5240/W/23/3316328 2A Addiscombe Avenue, Croydon CR0 6LH

- 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 2a CR2 Ltd for a full award of costs against London Borough of Croydon Council.
 - The appeal was against the refusal of outline planning permission for demolition of existing house and buildings and construction of 2 semi detached houses and a detached house.
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Decision

1. The application for 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. The applicant alleges that the Council's conduct during the course of the planning application and appeal amounts to unreasonable behaviour, and draws on the examples of unreasonable behaviour given in the PPG.
3. While the Council's reasons for refusal were plentiful, and could perhaps have been consolidated, the reasons for refusal nonetheless referred to relevant development plan policies and provided explanation for the conflict with them. I therefore consider the reasons for refusal were fit for purpose.
4. While I have disagreed with the Council on several matters, it nonetheless adequately substantiated its reasons for refusal. The Council have responded to the appellant's points at various stages of the appeal, including responding to the additional information provided. I do not find that the Council's unrelenting defence of its reasons for refusal, without conceding, suggests unreasonable conduct. Neither does its questioning of the appeal documents and their methodology, which were a part of its assessment.
5. The applicant alleges that the Council introduced a new reason for refusal after initial communications. The Officer's Report, which informed the Council's final decision, refers to the issue of enclosure and the reason for refusal refers specifically to enclosure and to open views. As such, these matters did not emerge at the appeal stage.
6. Matters relating to whether cycle, refuse storage and accessibility requirements could reasonably be accommodated were a matter of judgement. As site layout was one of the matters for consideration, I do not find the Council's

consideration of these matters to have been unreasonable. The Council also included reference to an appeal decision to support their approach in these regards. Again, while I have disagreed with the Council on those matters and found that they could be conditioned, its behaviour was not unreasonable in this respect.

7. Despite being brief, the Council explained within its officer report the reasons why light and outlook gave rise to concerns. Similarly, given the site layout clearly demonstrated the proposal would not incorporate off-street parking, and given the parking pressures surrounding the site, consideration of this matter was logical here. There has been dispute surrounding the PTAL of the appeal site. Nonetheless, the Council acknowledge the published position within its officer report and its decision appears to have been taken on this basis. As such I do not consider the Council's decision was based on inaccurate information. Neither did this introduce an additional reason for refusal, but was part of the assessment of effects on local traffic and parking.
8. With regard to ecology effects, I do not consider that the Council should have necessarily relied on information submitted with earlier applications. To do so would have entailed the Council compiling evidence to support the proposal, which should have been the role of the applicant.
9. I do not have full details of the information submitted with the planning application for the Button Court development nor the full circumstances of that site. However the Council state there were different merits warranting the decision on that site. Proposals are required to be assessed on their own merits and according to their own site specific circumstances and I cannot be satisfied that the proposals and sites were so similar as to warrant the same outcome. Neither would the Button Court development dictate that the appeal scheme should clearly have been permitted.
10. There may have been scope for improved co-operation between the parties to address some of the issues, particularly as some have been considered under earlier applications. However, even if this had occurred, there is no certainty that the appeal would have otherwise been avoided.

Conclusion

11. For the reasons given, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

C Shearing

INSPECTOR