



Costs Decision

Site visit made on 16 October 2023

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th November 2023

Costs application in relation to Appeal Ref: APP/L5240/W/23/3317139 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 Mr Qasim Gulamhusein for a full award of costs against the Council of the London Borough of Croydon.
 - The appeal was against the refusal of prior approval for the demolition of a detached house and a detached garage.
-

Decision

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

Reasons

2. The Planning Practice Guidance (the PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and that behaviour has directly caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The application is seeking to recover the full costs incurred in the appeal process. The applicant considers that the Council behaved unreasonably as it introduced a new reason for refusal which was not included on a previous decision with the same description, thereby taking an inconsistent approach. The previous decision related to application ref 22/05235/PAD which was refused on 11 January 2023 (the previous application).
4. The Council's Officer's Report acknowledges that the issue of bat surveys was not raised in relation to the previous application. Whilst it is unclear why the Council was unable to receive expert observations from its qualified external ecological consultant on the previous application, it received a response on the current proposal. The Council took this response into account, along with the legal protection given to bats and the statutory duty for public authorities to conserve biodiversity, in making its decision on the prior approval application.
5. The applicant states that the Council had full access to comprehensive ecological assessments. However, these related to earlier applications for the site and were not submitted with the current prior approval application, nor did they include a bat activity survey.
6. The applicant considers that the Council placed undue reliance on the recommendations of the external ecological consultant and asserts that these were flawed, failed to adhere to established professional guidelines and failed to offer supporting evidence. The Council's external ecological consultant

objected to the proposal due to insufficient ecological information on European Protected Species, in this case, bats, and the Council took this into account in refusing the development. As can be seen from my appeal decision, I have agreed with the Council's assessment and have dismissed the appeal, concluding that the reason given by the Council could be substantiated.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

A Wright

INSPECTOR