



## Costs Decision

Site visit made on 7 November 2023

**by Nick Bowden BA(Hons) Dip TP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12<sup>th</sup> January 2024**

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### **Costs application in relation to Appeal Ref: APP/L5240/W/23/3320017 15A Russell Hill, Purley, CR8 2JB**

- 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 Russell Hill Ltd for a full award of costs against the Council for the London Borough of Croydon.
  - The appeal was against the refusal of planning permission for the demolition of existing single storey detached dwellinghouse (with roof accommodation) including demolition of detached garage and erection of a three storey building (including lower ground levels) comprising 7 self-contained flats; private/communal amenity and play space; hard and soft landscaping; boundary treatment; reinstatement of existing crossover and new crossover to provide forecourt parking; cycle and refuse provision and land level alterations including raising to the front.
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### **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 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. The appellant considers that the Planning Committee did not have proper regard to the existence of the fallback position<sup>1</sup>. However, this information was provided in the Officers report in the Planning History and Summary of Key Reasons for [the] Recommendation. Accordingly, Members would have been aware of this extant permission, and I have no reason to conclude to the contrary.
4. The same applies to the benefit of one net additional new dwelling, homes with disabled access, cycle storage and refuse storage. These matters were also noted in the Officers report to the Committee. Simply because a Member, or Members, do not openly state that they were aware of a particular fact – it does not follow that they were not cognisant of it. Given that there is written evidence to demonstrate that these facts were readily available to Members, I am unable to conclude that the Committee behaved unreasonably.
5. Members are entitled to express their views in the Committee Chamber. This may include displaying a preference for an area to maintain its existing character or for a particular design in a new development. The character and appearance of an area is a subjective matter, and the proposed scheme was

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<sup>1</sup> Council refs: 19/01963/OUT and 22/02397/RSM

considered on its merits. A refusal of permission does not equate to Members being mis-informed or displaying unreasonable behaviour. In any event, the appeal is to be dismissed and, as such, it follows that the Committees' judgement was not unfounded.

6. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

*Nick Bowden*

INSPECTOR