



Costs Decision

Site visit made on 2 July 2024

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2024

Costs application in relation to Appeal Ref: APP/L5240/W/23/3332191 50 Bishops Park Road, Norbury, London, SW16 5TS

- 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 and Mrs Kanon for a full award of costs against the Council of the London Borough of Croydon.
 - The appeal was against the refusal of planning permission for 3 x 3 Bed New Build Terrace Dwellings.
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Decision

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

Reasons

2. Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. The application for costs asserts that the Council behaved unreasonably by preventing or delaying development which should clearly be permitted, .
3. Whilst I appreciate the outcome of the application will have been a disappointment to the appellants, the Council were not unreasonable in coming to that decision from the information they had available to them. Their concerns are clearly set out in the Officers Report. Furthermore a number of the issues, such as biodiversity, trees, fire safety, were concerns raised at a previous application and appeal and little or no further evidence has been provided to address these matters. Whilst it is evident from the main decision that I have disagreed with the Council's reasons in relation to overlooking, refuse storage and cycle parking, the Officer Report sets out an assessment of the indicated harm and how this would conflict with relevant adopted planning policies.
4. Accordingly, I do not find that the Council failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposal which justified its decision.

Conclusion

5. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not

been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

Tamsin Law

INSPECTOR