



Costs Decision

Site visit made on 4 December 2024

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 31 January 2025

Costs application in relation to Appeal Ref: APP/L5240/W/24/3344668

61A Windmill Road, Croydon, London CR0 2XR

- 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 Ms Charmaine Daguiar 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 demolition of 3 storerooms and 2 garages and erect a 3 bedroom, 5 person detached family house with a partial two storey.
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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 (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. Unreasonable behaviour in the context of an application for an award of costs may either be procedural, relating to the process, or substantive, relating to the issues arising from the merits of the appeal.
3. The applicant claims that procedural inaccuracies, inconsistencies, and misconduct by the Council amount to unreasonable behaviour. The proposal was previously granted planning permission in 2020¹. However, the Council has cited revisions to the National Planning Policy Framework in 2021 and the publication of the London Plan in 2021 which led to a different outcome. As a result of this change, the applicant considers that there have been unnecessary and wasted costs in appealing this decision.
4. I have dismissed the appeal, finding harm with regards to privacy and promoting sustainable transport. However, I did not find that the changes in policy, as well as what I observed, led me to consider that the proposed development would harm the character and appearance of the area. Notwithstanding this, there is no substantiated evidence that there were procedural inaccuracies and misconduct by the Council. Moreover, whilst a legal agreement to support sustainable transport was not required in the previous permission, the Council has referred to a legal judgment and London Policy DF1 which supports such an agreement. I do not disagree with this and consider that a legal agreement to promote sustainable transport is needed in this instance.

¹ Ref 20/0094/FUL

5. Although the appellant considers that the refusal demonstrates that the Council is inconsistent, the Council is entitled to apply relevant policy and use their own planning judgement. Whilst the applicant may have expected a similar outcome to that previously, there is no evidence to suggest that they had received such an assurance from the Council. Therefore, it is unlikely that an appeal would have been avoided and any associated costs that this incurs.
6. I therefore find that unreasonable behaviour, resulting in unnecessary or wasted expense as described in the PPG, has not been demonstrated.

M J Francis

INSPECTOR