



Costs Decision

Site visit made on 27 May 2025

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2025

Costs application in relation to Appeal Ref: APP/L5240/W/24/3356354

8 West Hill, South Croydon, CR2 0SA

- 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 Zunikh Property Developments Ltd. for a full award of costs against the Council of the London Borough of Croydon.
 - The appeal was against the refusal of the Council to grant subject to conditions planning permission for replacement of existing dwelling with 6 x 4 bedroom houses.
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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.
3. Paragraph 030¹ of the *National Planning Practice Guidance* (PPG) advises that irrespective of the outcome of the appeal, costs may only be awarded against a party which has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Paragraph 051² of the PPG states that awards against appellants may be either procedural in regard to behaviour in relation to completing the appeal process or substantive, which relates to the planning merits of the appeal.
4. The applicant undertook pre-application advice and having submitted the application expected the Council to engage in ongoing dialogue to advise of any issues, which *'if addressed in a reasonable timeframe could shift the Council's assessment of the proposed towards being acceptable'*.
5. Government guidance sets out³ that the pre-application engagement can improve the quality of planning applications by providing an understanding of the relevant planning policies and other material considerations associated with a proposal. The prospective applicant should expect an authoritative view on the merits of the proposal. However, the advice is not binding and cannot pre-empt the democratic decision making process.

¹ Reference ID: 16-030-20140306

² Reference ID: 16-051-20140306

³ Reference ID: 20-001-20190315

6. The Council accepts that positive design changes were made between the first and second iterations of the design, both of which were subject to pre-application advice. However, even after the second consultation, the Council's feedback raises concerns in relation to lateral separation between the proposed terraces and the adjacent buildings, the roof design, the over-engineered appearance of the parking areas, the loss of existing tree planting, the living conditions of occupiers of 6 and 10 West Hill, and the distances between the highway and bin stores. The summary highlighted that the proposals represented overdevelopment and that there were concerns around external works, as well as the need for preliminary ecological and arboricultural assessments. Most of these concerns are raised in the Council's decision notice as reasons for refusal.
7. Although there have been some minor amendments since the pre-application advice, I conclude that the development's overall scale, bulk and massing is largely unchanged. This indicates that although the Council gave clear direction in its pre-application advice, this was not used to refine the proposal to accommodate the Council's concerns before submission of the application.
8. There is no obligation upon councils to engage with applicants during the determination process, particularly as there is a specific time frame to reach a decision. Moreover, as the reasons for refusal are largely based on fundamental design issues, it is difficult to see how amendments could have been made without changing the nature of the development.
9. There is nothing before me to indicate that the Council has behaved unreasonably. As such there has been no wasted expense at appeal. The application for an award of costs is refused.

A Edgington

INSPECTOR