



Costs Decision

Site visit made on 3 June 2025

by F P Tinsley MA (Hons) MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2025

Costs application in relation to Appeal A Ref: APP/L5240/W/24/3349299

Jack House, 18 Portland Road, South Norwood, London SE25 4PF

- 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 Sam Shah against the decision of the Council of the London Borough of Croydon.
 - The application reference is Ref: 24/00407/FUL
 - The development proposed is described as 'Construction of a roof extension to existing building, part demolition of 2-storey projection with alterations to flats 3 & 6, (currently under construction) and including new enclosures for existing cycle storage and bulky goods (previously approved).'
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Costs application in relation to Appeal B Ref: APP/L5240/W/24/3349302

Jack House, 18 Portland Road, South Norwood, London SE25 4PF

- 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).
 - is made by Mr Sam Shah against the decision of the Council of the London Borough of Croydon.
 - The application reference is Ref: 24/00443/FUL
 - The development proposed is described as 'Construction of a roof extension to existing building to provide 1x3 bed flat, including associated refuse and bulky goods area, cycle storage and associate private amenity space.'
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Decision

Application A Ref: APP/L5240/W/24/3349299

1. The Application is dismissed.

Application B Ref: APP/L5240/W/24/3349302

2. The Application is dismissed.

Reasons

3. 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.

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4. It was not unreasonable for the Council to seek clarification on the proposed use of the void space following validation of the planning application, given the proposed layout which, as noted in my appeal decision letter, is unusual and it would have better enabled the Council to understand potential effects. The applicant provided further elaboration on this use in the appeal submission, which offered additional information that informed my decision on the appeal. This information was not available to the planning officer at the time of the original determination of the planning application, despite it being requested before following validation, which is a mechanism available to the Council. I therefore conclude that the Council did not act unreasonably in this regard, and the reason for refusal on this matter is not unreasonable.
5. With regard to the matter of the legal agreement, the Council's position is that the proposed development would give rise to a separate planning consent for the residential units within the appeal site. As such, a separate legal agreement is required. In the absence of such an agreement—to restrict future occupiers from obtaining resident parking permits and to secure a sustainable transport contribution—the proposed development is considered unacceptable in terms of transport and highways impact. This aligns with my determination of the appeal and it is therefore not unreasonable that the Council should have sought this in the context of the current application.

Application B Ref: APP/L5240/W/24/3349302

6. The costs award in relation to this appeal is sought on the grounds of inconsistent decision-making with regard to the provision of amenity space (including that it exceeds standards) and other planning decisions in the area, failure to secure a legal agreement, and the adequacy of the proposed bin store.
7. The planning officer's assessment of the proposed private amenity space is reasoned. Although the scale of the space is satisfactory, it is appropriate to take into account other considerations in assessing the adequacy of the proposal, such as outlook and enclosure and this is necessary on the context of Local Plan Policy DM10, which requires that amenity space is of a high quality. I am satisfied that the planning officer has acted reasonably in doing so in this instance, in reaching their conclusion on the matter, notwithstanding that I reached a different view.
8. While I recognise the importance of maintaining a consistent approach to decision-making, each development must be assessed within its own planning context, having regard to the particular circumstances of the case. Significantly, the decisions referred to by the applicant were made under a different planning policy context, and the proposals do appear materially different—particularly with respect to the nature of the amenity space provided and the scale of residential units proposed. I do not find unreasonable behaviour in the Council's assessment of this matter.
9. The Council has acted reasonably in refusing the development on the basis of the failure to provide a legal agreement relating to car ownership associated with the scheme, which would introduce an additional residential unit and result in a new planning permission for the development as a whole. A legal agreement currently exists for the permitted units on site under LPA ref: 22/00309/GPDO. A legal agreement was not submitted with the planning application, nor indeed at the

appeal stage. I consider this to be a justified reason for refusal in my determination of the appeal.

10. The adequacy of the bin store, as shown on the submitted drawings, and its capacity to accommodate waste from the proposed additional dwelling was a key issue addressed in my determination of the appeal. The Council was justified in raising concerns regarding bin storage, particularly as the detailed justification provided at the appeal stage, demonstrating that the waste and recycling generated by the proposed apartment could be managed within the existing shared bin capacity, was not available during the original planning application process. In the absence of this information, it appeared that no additional space was available within the existing bin store to serve the proposed unit. As such, the provision of adequate waste and recycling facilities, as required by Local Plan Policy DM13, remained a valid concern.

Conclusion

11. I am satisfied that the Council has acted reasonably in relation to both planning appeals. In view of the above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Accordingly, an award of costs against the Council is not justified.

F P Tinsley

INSPECTOR