



Costs Decision

Site visit made on 15 September 2025

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th October 2025

Costs application in relation to Appeal Ref: APP/L5240/W/25/3365570

1A Brighton Road, South Croydon, Croydon CR2 6EA

- 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 Qasim Gulamhusein (1a CR2 LTD) for a full award of costs against the Council of the London Borough of Croydon.
 - The appeal was against the refusal of outline planning application for the erection of a 5 storey block comprising 25 flats and 2 commercial units (access reserved).
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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. The applicant claims that the Council acted unreasonably in the way that it determined the application, including through making unsubstantiated, vague, generalised or inaccurate assertions; manifestly inaccurate reasons; inconsistency in decision making; conflict with case law; failure to use planning conditions; and by preventing or delaying development that should have clearly been permitted.
4. The effect of the development on the character and appearance of the area is a matter of judgement. Therefore, simply because the Council expressed a differing opinion to the applicant, including in relation to the quality of the submission and to the proposed design details and appearance, it does not mean that it failed to show a good reason why planning permission should not be granted.
5. The Council objectively explained its analysis of the proposed development against the London Plan 2021 and the Croydon Local Plan 2018 in the officer's report. This report, read as a whole, is consistent and provides an adequate assessment of the elements of the proposal that the Council found to be harmful. It provides an appropriate justification for the first reason for refusal, which is clear and adequately articulated. I am satisfied that this demonstrates that the Council has satisfactorily substantiated the policy conflict it found, as established in *South Bucks*¹. Therefore, the Council did not provide manifestly inaccurate reasons.
6. Notwithstanding any comments regarding the scale of the proposed building in relation to nearby properties, the officer report advises it would be acceptable. The

¹ *South Bucks DC v Porter (No.2)* [2004] UKHL 33

parties disagree regarding the level of detail that has been submitted in terms of proposed materials, including in relation to the glazing in the winter gardens. However, I am content that the level of information needed to address the appropriateness of the proposed materials and details is for the Council's own judgment, and the Council assessed the proposal on the basis of the details provided by the applicant. As such, the Council did not make vague, unsubstantiated, generalised, or inaccurate assertions.

7. The Council granted planning permission for the demolition of existing showroom, erection of a four-storey development consisting of two ground floor commercial units (A1) and 17 residential units with ancillary landscaping, play space, cycle and refuse storage² (the 2019 permission). Whilst the applicant claims that both schemes are materially indistinguishable, the evidence, including the proposed plans for each scheme, shows that while some elements may be similar, the appearance of both proposals is substantially different. These differences are detailed in the Council's Appeal Statement. Further, the 2019 permission is referenced in the officer report on matters where the Council considered relevant. Therefore, while the policy position and site context may be similar, having regard to North Wiltshire³, I find that the Council has satisfactorily justified the weight it afforded to the approved scheme, which in any event is a matter of planning judgement.
8. Additionally, having regard to established caselaw, including the Mansell⁴ judgement to which the applicant referred, the extent that past planning permissions represent fall-back positions is set out in the Council's statement of case, including their relevance. The weight to be attached to any previous consents is a matter of planning judgement, and the Council has satisfactorily justified its position in this regard. Therefore, I do not find that the Council's decision was at odds with case law.
9. The applicant asserts that the Council failed to have regard to a previous appeal decision⁵, where the Inspector was silent on 3D modelling. While the Council also referred that the appeal scheme was not supported by 3D modelling, there is limited evidence to suggest that the lack of this information has directly resulted in the application being refused. Similarly, there is little evidence to suggest that the absence of a narrative or storey telling to justify the proposal led to the planning application being refused. Further, I have no compelling evidence before me to demonstrate that the Council contradicted other appeal decisions in relation to nearby schemes. Therefore, the Council was not inconsistent in its decision making.
10. The PPG says that refusing planning permission on a planning ground capable of being dealt with by conditions risks an award of costs where it is concluded that suitable conditions would enable the proposed development to go ahead. However, it is clear from the evidence that the Council's concerns with the design and appearance of the building are extensive and therefore could not be fully resolved through the use of conditions. Therefore, the Council was not unreasonable in finding that such matters should be set from the outset and, as such, it did not fail to use planning conditions.

² LPA Ref 19/04199/FUL

³ North Wiltshire DC v Secretary of State for the Environment (1993) 65 P&CR 137

⁴ Mansell v Tonbridge and Malling BC & others [2017] EWCA Civ 1314

⁵ Appeal Ref: APP/L5240/W/23/3326319

11. In light of the above, and given my conclusions in the appeal decision, I do not find that the Council has prevented or delayed development that should have clearly been permitted.
12. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense as set out in the PPG has not occurred and an award of costs is not warranted.

P Terceiro

INSPECTOR