



Costs Decision

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2025

Costs application in relation to Appeal Ref: APP/L5240/X/24/3341384

73 Priory Road, Croyden CR0 3QZ

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr S Tanna for a full award of costs against the Council of the London Borough of Croydon.
 - The appeal was against the refusal of an LDC for use of existing dwellinghouse as a children's home.
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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 reason for refusal of the application does erroneously refer to The Town and Country Planning (General Permitted Development)(England) Order 2015. However, it does identify the main issue as being whether the proposed use would be a material change of use of the property; in this case from Class C3 to Class C2. In this regard, the error has not resulted in the Appellant wasting any expense, because he would have appealed the Council's decision in any event.
4. The Officer's Report and the Council's statement adequately address whether there would be a change to character and whether there would be a material change of use. As identified in case law and elsewhere a judgement on whether or not there would be a material change of use is a matter of fact and degree in each individual case. The Council cannot be criticised for assessing the specific circumstances of this case and for reaching a decision that differs from others they have made.
5. The reason for refusal of the application did include an erroneous reference but this cannot be considered to be significantly unreasonable. Otherwise, the Council has not acted unreasonably and the Appellant has not therefore incurred wasted expense. The application for an award of costs thus fails.

John Braithwaite

Inspector