
Costs Decision

Site visit made on 10 November 2025

by **L Gardner MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 November 2025

Costs application in relation to Appeal Ref: APP/L5240/W/25/3371648

16 Elgin Road, Croydon CR0 6XA

- 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 of Marlpark 16 CR0 Ltd 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 change of use from 2 maisonettes to a C4 small house in multiple occupation for a maximum of 6 occupants.
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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 PPG goes on to detail examples of the types of behaviour which may give rise to an award of costs being granted against a local planning authority. These may be either procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal.
4. The procedural grounds advanced are that the Council failed to co-operate with the appellant and that it provided information that is shown to be manifestly inaccurate or untrue. Substantively, it is presented that the Council prevented development which should clearly be permitted, failed to produce evidence, made vague, generalised or inaccurate assertions, conflicted with established case law, disregarded Planning Inspector findings and was inconsistent in its decision making.
5. Whilst I acknowledge that open correspondence during the determination of an application can be beneficial, given the resources available to the Council, I do not consider that a lack of communication amounts to unreasonable behaviour. The Council was not required to provide the likely outcome for the application prior to its formal determination, and the associated officer report provides a detailed rationale as to why the Council came to the decision that it did.
6. The Council's officer report included details of the extensive planning history which exists at the appeal site. Reference was explicitly made to the outcome of the Committee's decision on application reference 24/03711/FUL. The Council was entitled to give this decision weight as a material consideration in the determination

of the appeal scheme, even in the acknowledgement of earlier appeal decisions at the appeal site¹. In doing so, the Council was applying consistency with an earlier decision, a principle established in case law².

7. The Council's interpretation of the wording within the Conservation Area Appraisal and Management Plan Supplementary Planning Document (2014) is not so far divorced from the wording within the document that it can be regarded as inaccurate. The Council was entitled to come to the view that the proposed house in multiple occupation (HMO) would represent a more intensive use than the lawful use of the building as two maisonettes. There is nothing to suggest that in reaching this judgement, that it misinterpreted the factual position of the existing use, or indeed the potential fall back position in the lawful amalgamation of the maisonettes into a single dwellinghouse.
8. It is reasonable that in applying a judgement against the effects of the development on the Conservation Area, the Council applied both design and heritage policies. Whilst I have reached a different conclusion on this matter in my main decision, it is ultimately a matter of planning judgement. The Council's application of policies and reasoning on this matter were outlined within the officer report. I therefore cannot be satisfied that the Council failed to provide clear reasoning for its decision as required by the Courts³.
9. The Council was entitled to conclude that the proposal did not accord with the development plan. Despite my conclusions to the contrary in my main decision, I do not consider that the Council behaved unreasonably in reaching its decision or prevented a scheme which should have been permitted on any objective view.
10. It is suggested that the Council relied on stereotyping and generalised assumptions, a matter which has been previously dealt with through case law⁴. As above, the Council came to a view that the proposed HMO would be more intensive than the lawful use of the appeal property as two maisonettes. I find little in the evidence before me to suggest that this conclusion was based purely on an assessment of HMO residents.

Conclusion

11. Overall, and for the reasons given above, I conclude that unreasonable behaviour resulting in unnecessary and wasted expense has not occurred and therefore the application for a full award of costs is refused.

L Gardner

INSPECTOR

¹ Namely APP/L5240/W/23/3333964, APP/L5240/W/23/3334189 and APP/L5240/W/24/3337606

² North Wiltshire DC v SSCLG [1993] 65 P & CR 137, Midcounties Co-operative v Forest of Dean DC [2017] EWHC 2050 (Admin) and R (Baroness Cumberlege) v SSCLG [2018] EWHC 790 (Admin)

³ St Albans City & District Council v SSCLG [2015] EWHC 655 (Admin)

⁴ Smith v SSLUHC [2022] EWHC 2193 (Admin), Moore & Coates v SSCLG [2015] EWHC 44 (Admin), and Khayyat & Ibrahim v Westminster CC [2018] EWHC 2152 (Admin)