



Costs Decision

Site visit made on 10 November 2025

by L Gardner MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2025

Costs application in relation to Appeal Ref: APP/L5240/W/25/3371647

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 outline planning permission for application for outline planning consent: single storey side and rear extension, basement extension, loft extension and conversion into 4 self contained flats. All matters reserved except for layout, scale and appearance.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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 appellant has applied for costs on numerous grounds. From a procedural perspective these include a lack of co-operation and the use of inaccurate or untrue information. Substantively, the appellant has referred to preventing development which should be permitted, failure to produce evidence, vague, generalised or inaccurate assertions, conflict with case law, objecting to Planning Inspector findings, inconsistent decision making and a failure to adopt a helpful approach.
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. Moreover, whilst not explicitly referred to as a planning balance, the concluding section of the officer report in my view serves to carry this purpose.
6. However, as is evident through my main appeal decision, there were a number of factors within the assessment of the application leading to the refusal which were inaccurate. In addition to the incorrect reference to policies relating to houses in multiple occupation, the Council incorrectly identified the basement flat as being of

- only single aspect when the plans clearly show windows to both the rear and side elevations.
7. The Council is of the view that the plans submitted to support the application were ambiguous in respect to internal floor areas. However, the officer report was unclear as to whether the proposal complied with minimum floor space standards, paragraph 6.44 stated the proposed units would comply with the relevant policies and the subsequent paragraph 6.45, stating they would not. These factors of the assessment led directly towards the refusal of the application.
 8. The Council also failed to fully take account of the findings of a previous Inspector, in particular in respect to living conditions for a similar scheme (also four units) at the appeal site. This decision¹, whilst being acknowledged in the planning history section of the report, was not subsequently discussed in the assessment relating to living conditions, despite the direct relevance to the appeal scheme.
 9. Consequently, the evidence concerning the Council's reason for refusal in relation to living conditions is based on flawed and inaccurate conclusions and represents an inconsistency in decision making. In relation to the reason for refusal on living conditions, the Council has behaved unreasonably and subsequently the appellant has incurred unnecessary and wasted expense in defending this reason through the appeal process.
 10. I have found in my main decision that the unilateral undertaking relating to the provision of car free development and a sustainable transport contribution is not sufficiently robust and enforceable. On this basis, the Council's second reason for refusal remains valid. I therefore do not consider that the Council prevented development which should clearly have been permitted.

Costs Order

11. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the Council of the London Borough of Croydon shall pay to Mr Qasim Gulamhusein of Marlpark 16 CR0 Ltd, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in preparing the parts of the case dealing with the first reason for refusal. Such costs to be assessed in the Senior Courts Costs Office if not agreed.
12. The applicant is now invited to submit to the Council of the London Borough of Croydon, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

L Gardner

INSPECTOR

¹ APP/L5240/W/24/3337606 decision dated 3 April 2025