



Costs Decision

Site visit made on 6 October 2025

by **C Housden BSc(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1 December 2025

Costs application in relation to Appeal Ref: APP/L5240/W/25/3368822

10 Woodstock Road, Croydon CR0 1JR

- 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 Andreas Photiou 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 a single dwelling (use class C3) to a large 7 bedroom, 8 person HMO (sui generis Use class), including the introduction of velux windows to the roof plane and the demolition of the existing conservatory.
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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. A decision made by Members of the planning committee which departs from the advice of its professional officers or differs from a previous similar application does not in itself constitute unreasonable behaviour. However, this is provided the decision is reached on substantive planning grounds. In this case, Members of the planning committee took the view that the use and activity from the operations of a large HMO at the appeal site would result in harm to the character of the Chatsworth Road Conservation Area. This conclusion differs from that reached under a previous decision of the Council at the appeal site¹. In this case, harm to the CA was found by the Council, but only in relation to the proposed refuse and cycle storage structures situated to the front of the property, rather than the operation of the property as a large HMO.
4. Whilst I agree with the Council that each application should be assessed on its own merits, the planning history is a material consideration and the differences in the operation of the site as a large HMO between the previously refused application and the appeal scheme before me is limited. Indeed, the appeal scheme before me proposes a slightly smaller HMO with one less bedroom than was previously proposed and with the refuse and cycle store now proposed to the rear.

¹ LPA ref 24/03040

5. Whilst harm to the CA is a subjective assessment, the Council's position contains little objective analysis demonstrating how the particular significance of the CA would be adversely affected by the proposal, or, why it now considers the operation of a large HMO would result in harm to the CA where it previously did not consider this to be the case. Furthermore, the Council has also failed to substantiate its case through categorising the level of the heritage harm² and dealing with the subsequent weighing against public benefits³.
6. The Council's position is unduly reliant on vague and generalised assertions which fails to substantiate the reason for refusal and explain why it has not determined similar cases in a consistent manner. This amounts to unreasonable behaviour as defined within the PPG. Unnecessary expense has therefore been incurred by the applicant in lodging the appeal to contest the reason for refusal.

Conclusion

7. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that a full award of costs is justified.

Costs Order

8. 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 Andreas Photiou, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
9. 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.

C Housden

INSPECTOR

² In accordance with paragraph 018 Reference ID: 18a-018-20190723 of the PPG.

³ Paragraphs 214 and 215 of the National Planning Policy Framework depending on category of harm.