
Costs Decision

Site visit made on 12 November 2025

by **S F Barnes MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 February 2026

Costs application in relation to Appeal Ref: APP/L5240/W/25/3369946

Land Adjoining 1-17 Wedgewood Way, Beulah Hill, Upper Norwood, SW19 3ES

- 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 Zul Virani of Lower Richmond Properties Limited for a full award of costs against the Council of the London Borough of Croydon.
 - The appeal was against the refusal of permission in principle to 'To erect 1 x detached dwelling'.
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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 applicant considers that the Council acted unreasonably in refusing the application due to a lack of details properly relating to considerations within the scope of a 'second stage' (Technical Details Consent (TDC)) application. Those considerations relate to the design of the proposal, ecology, retention of trees, landscaping and highway access. The Council's Decision Notice refers to the effect on character and appearance of the area, highway safety and on ecology.
4. As can be seen from my decision, I found that the Council failed to demonstrate that effects on ecology amounted to a sustainable objection to the appeal proposal. The other considerations, however, have been decisive on the main issue.
5. The Council's position regarding ecology relied upon findings of an appeal decision. Although that decision related to the appeal site, it concerned a materially different application seeking outline planning permission. The Council's concern in this regard was not supported by any analysis of the effects of the scheme at hand. It follows that the applicant was put to unnecessary and wasted expense in preparing and submitting an appeal statement insofar as it sought to address that matter.
6. Nonetheless, I have found that the appeal site would not be suitable for residential development due to other effects of the proposal. Thus, had the Council not taken this stance on ecology, it is not clearly the case that an appeal would have been avoided altogether. A full award of costs is not therefore justified in these circumstances.

7. As regards the delay progressing a scheme to TDC stage, the PPG is clear that awards cannot extend to compensation for indirect losses. This would include losses which result from alleged delay in obtaining a particular consent, as has been argued here. It follows that those alleged losses are not within the scope of the costs regime.

Conclusion

8. The need to deal with material concerning ecology followed from unreasonable behaviour by the Council. I conclude that unnecessary and wasted expense as described in the Planning Practice Guidance has been demonstrated in this regard, and that a partial award of costs is justified.

Costs Order

9. 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 Zul Virani of Lower Richmond Properties Limited, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in relation to submissions on the matter of ecology; such costs to be assessed in the Senior Courts Costs Office if not agreed.
10. 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.

S F Barnes

INSPECTOR