



Costs Decision

by V Bond LLB (Hons) Solicitor (Non-Practising)

an Inspector appointed by the Secretary of State

Decision date: 17 July 2026

Costs application in relation to Appeal Ref: APP/L5240/X/24/3343575

16 Elgin Road, CROYDON, CR0 6XA

- 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 Qasim Gulamhusein for a full award of costs against the Council of the London Borough of Croydon.
 - The appeal was against the refusal of a certificate of lawful use or development for described in the application statement as 'It is proposed to install cupboards that kitchen units in all bedroom [sic]. These fixtures will not contain any cooking/food heating facilities such as hobs or microwaves. All the bedrooms will have kitchen units but will be used for the purposes of bedroom furniture'.
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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 basis for the appellant's application is that the LPA has unreasonably refused to grant a LDC¹ through: basing the decision on an irrelevant consideration contrary to well-established case law and failing to properly substantiate the basis for refusal; taking a contradictory approach; and not dealing with similar cases in a consistent manner.
4. The appellant contends that 'the courts have explicitly stated' that the effect of an existing enforcement notice is irrelevant to a s192 LDC application 'unless they directly pertain to the same proposed actions'. For the reasons explained in my decision, it was plainly not irrelevant for the LPA to assess lawfulness in the context of the in-force enforcement notice. That said, the LPA's focus has been on whether notice requirements had been complied with at a particular point in time, rather than considering the enduring effect of the notice. While I acknowledge the appellant's frustrations as regards the process of seeking confirmation of compliance with the notice, given my own finding as regards the impact of s181 of the Act, ultimately these aspects have not tainted the LPA's assessment.
5. In terms of substantiation of the basis of refusal, the LPA at application stage offered only limited information as to how the proposal would conflict with the notice. This has though been expanded upon at appeal stage where the LPA highlights the specific detail of the notice requirement which includes removal of not only kitchen cooking facilities, but also kitchen sinks and cupboards.

¹ Lawful development certificate

6. As to the allegation that it was contradictory for the LPA to indicate that the proposal did not represent operational development but still find it to not be lawful, given the in-force notice, this was not a contradictory position in any event. In addition, in view of the limitations in the evidence submitted, the LPA also specifically held back from assessment as to whether the proposal could potentially result in a material change of use requiring planning permission.
7. Turning to dealing with similar cases in a consistent manner, the appellant contends it was unreasonable to refuse a previous 'identical' application² on the basis of a lack of specificity, only to later raise the impact of the in-force notice in the application that led to this appeal. It was not though, unreasonable for the LPA to not make a detailed assessment in relation to the impact of the notice bearing in mind that the LPA did not consider the information submitted to be sufficiently precise to properly understand what was being proposed.
8. It would not have been reasonable for the LPA to require a separate LDC confirming compliance with the notice. However, this was stated in the Officer Report as one suggested means of demonstrating compliance with the notice and equally, the appellant did not produce dated photographs or statutory declaration evidence confirming compliance; existing floor plans cannot be considered unequivocal in this regard.
9. Evidently, my focus as regards the assessment of lawfulness centred around the effect of s181 but in any event, the appellant has not made their case that the appeal was avoidable or that the LPA has acted unreasonably such that this has caused wasted expense in the appeal process. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated and that a full award of costs is not justified.

V Bond

INSPECTOR

² Ref: 23/04446/LP