



Costs Decision

Site visit made on 22 May 2026

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 August 2026

Costs application in relation to Appeal Ref: APP/L5240/W/26/3378041

6 Central Place, South Norwood, Croydon, London SE25 4PR

- 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 Swallow Lifts Ltd for a full award of costs against the Council of the London Borough of Croydon.
 - The appeal was against the refusal of the Council to grant approval required under Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) for the change of use from office (Class E) to residential dwelling (Class C3).
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Decision

1. The application for an award of costs against the Council of the London Borough of Croydon is allowed in full.

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 provides examples of what may constitute unreasonable behaviour. Unreasonable behaviour on the part of the Council may include it making vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis, preventing or delaying development which should clearly be permitted having regard to its accordance with the development plan, national policy and other material considerations, and not determining similar cases in a consistent manner.
4. The applicant contends that in refusing to grant prior approval, the Council did not determine the application in a consistent manner as the prior approvals determined at the neighbouring units (5 and 7 Central Place). The Council has not demonstrated in its response to the costs application why the applications for prior approval at Units 5 and 7 warranted an alternative approach to the appeal application when the site location is similar and the provision for cycle parking was considered to be acceptable by a condition for Units 5 and 7.
5. A Unilateral Undertaking (UU) was also required by the Council providing a restriction on parking permits, despite one not being required for Units 5 and 7 and notwithstanding the provision of a single allocated parking space which was also not provided for Units 5 and 7. In light of the above, I consider the Council has

acted unreasonably in not determining cases in a similar manner which has directly led to the submission of the appeal.

6. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition and where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
7. As set out in the main decision, I do not consider the UU to be necessary to make the development acceptable in planning terms or fairly and reasonably related in scale and kind to the development, particularly as one was not required for Units 5 and 7 and they did not benefit from a parking space, unlike the appeal site. The UU does not accord with the tests for planning obligations set out in the National Planning Policy Framework and the applicant has incurred additional and unnecessary expense as a result.

Conclusion

8. I therefore find that the Council has demonstrated unreasonable behaviour in refusing to grant prior approval, and that this has resulted in unnecessary and wasted expense on the part of the applicant.

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 Swallow Lifts Ltd the costs of the appeal proceedings described in the heading of this decision.
10. The Applicant is now invited to submit to the Council of the London Borough of Croydon, who have also been sent a copy of this decision, details of those costs with a view to reaching agreement as to the amount. If the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Office is enclosed.

C Coles

INSPECTOR