
Costs Decision

Site visit made on 20 September 2016

by Paul Freer BA (Hons) LLM MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 October 2016

**Costs application in relation to Appeal Ref: APP/L3625/X/16/3142388
Kingswood Hall, Margery Wood Lane, Lower Kingswood, Surrey KT20 7BA**

- 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 Michael Heighes for a full award of costs against Reigate & Banstead Borough Council.
 - The appeal was against the refusal of a certificate of lawful use or development for the construction of a concrete hardstanding for landing & take-off of helicopters.
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Decision: The application is refused

1. The Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only 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. The Planning Practice Guidance indicates that one of the aims of the costs regime is to encourage all those involved in the appeal process to behave in a reasonable way and to follow good practice. The Planning Practice Guidance provides examples of unreasonable behaviour which may result in an award of costs against a local planning authority. These include where a local planning authority makes vague, generalised or inaccurate assertions about a proposal, which are unsupported by any objective analysis.
 2. The essence of the applicant's case is that the Council's decision to refuse the application for a lawful development certificate (LDC) was arrived at on the basis of muddled thinking, inaccuracies, perversity and absurdity. The applicant therefore contends that by not dealing with the application professionally, the Council arrived at the wrong decision and thereby caused the applicant to incur unnecessary expense in submitting the appeal.
 3. To my mind, the case advanced by the Council in support of its decision is clear and concise. In addition to the general consideration of the application set out in the Officer Report, the Council relies on three main pieces of evidence and the reasons for doing so are properly elucidated. One of these three pieces of evidence is the Inspector's decision following the Public Inquiry held in 1983. In my view, the conclusions that the Council draws from that decision are both logical and correct. As a consequence, the Council's consideration of the application for the LDC was founded upon a sound understanding of the planning history of the site and the lawful planning use of the land. From that position, the Council then proceeded to arrive at a logical and, in my view, ultimately correct decision.
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4. There is nothing in the case presented by the Council that I find to be inaccurate, perverse or absurd. Indeed, far from representing muddled thinking, based on the evidence in front of the Council and now before me, for the reasons set out in my Decision I concur with the overall conclusion reached by the Council that the site for the proposed helipad is not within the curtilage of Kingswood Hall.
5. In summary, I consider that the Council dealt with the application in a professional manner and in so doing arrived at the correct decision. The Council has therefore not acted unreasonably and has not caused the appellant to incur unnecessary expense in submitting the appeal. It follows that an award of costs is not justified.

Paul Freer

INSPECTOR