



Costs Decision

Site visit made on 3 December 2019

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2020

Costs application in relation to Appeal Ref: APP/L3625/W/19/3231027 8 Horley Road, Redhill, Surrey RH1 5AB

- 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 Ian Caplen for a full award of costs against Reigate & Banstead Borough Council.
 - The appeal was against the refusal of planning permission for the demolition of existing 2 bed single storey house and construction of new 2½ storey block of 5 flats [2x1B, 3x2B] together with private amenity area.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance 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 application for costs relies on substantive matters relating to the planning merits of the appeal. The appellant cites that the Council has failed to consider similar schemes of similar nature in a consistent manner. It is stated that the planning application, which is subject of the appeal, is the fourth consecutive application as a result of this.
4. I note that a costs decision in respect of the previous appeal on the site awarded costs against the Council, due to its approach in not requiring the submission of a Sequential Test (ST) in respect of two planning applications on the site. However, the Council did require a ST in respect of the immediately previous planning application and the most recent. As such, the most recent decision of the Council is consistent with the previously made decision and the appellant was aware of the need to undertake an ST.
5. Whilst there may have been inconsistency in previous decision-making at the site, costs have already been awarded in that respect. I do not find that there was any further inconsistency which has resulted in the need to submit any unnecessary appeal.
6. It is further contended that the Council charged a planning fee for the planning application, which is subject of the appeal, where one was not necessary. There is also reference to the planning application being necessary due to a failure on the part of the Planning Inspectorate in respect of a previous appeal on the

site. These, however, are not matters that I am able to consider as they are outside of the process of the appeal that is before me.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Martin Allen

INSPECTOR