
Costs Decision

Site visit made on 16 January 2023

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 FEBRUARY 2023

Costs application in relation to Appeal Ref: APP/L3625/W/22/3295774 Heysham, Church Lane, Hooley, Coulsdon, Surrey CR5 3RD

- 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 Calm Homes Ltd for a full award of costs against Reigate and Banstead Borough Council.
 - The appeal was against the refusal of planning permission for the demolition of existing 1.5 storey dwelling and replacement with 4 x new dwellings with associated car parking and private amenity space.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) makes it clear that parties in planning appeals normally meet their own expenses. It also sets out that costs may only be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. Unreasonable behaviour may include failure by the planning authority to substantiate a stated reason for refusal of planning permission or relate to a procedural process. The submitted evidence makes reference to the Committee overturn nature of the decision. Whilst I understand the appellants frustration with the process and number of amendments made in securing officer support, the Councils decision is that put forward by Committee. It is not necessary for individual Members to debate issues before voting on the scheme and it is not unreasonable for Committee Members to disagree with officer recommendations.
4. The refusal reason put forward is sufficiently clear in setting out the issue. Whilst I have disagreed with their conclusions, the issue raised regarding character and appearance is reasonable and refers to conflict with development plan policies. This is expanded upon and substantiated in the Councils statement of Case.

5. I note that the refusal reason refers to the Local Distinctiveness Design Guide SPD 2020 and not the Local Character and Distinctiveness Design Guide 2021, however, as acknowledged by the Council, this was a typo, and I consider that the document is easily identifiable.
6. The subsequent approval of an amended planning application on the site does not lead to unnecessary or wasted expense in the appeal process. Unreasonable behaviour has not therefore been demonstrated in respect of these matters. The work undertaken by the applicant in this regard was a necessary part of their case.

Conclusion

7. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. The application for an award of costs is therefore refused.

B Phillips

INSPECTOR