



Costs Decision

Site visit made on 26 June 2023

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2023

Costs application in relation to Appeal Ref: APP/L3625/W/22/3306447 80 Croydon Road, Reigate, Surrey RH2 0NH

- 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 A and D Lippett for a full award of costs against Reigate and Banstead Borough Council.
 - The appeal was against the refusal of planning permission for demolition of existing single-storey permanent structures (used as garages and storage) and the erection of 2No. self-built semi-detached 3-bedroom family dwellings with associated access, external amenity spaces, refuse storage and car and cycle parking.
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Decision

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

Reasons

2. The application is seeking to recover the full costs incurred in the appeal process. The applicant considers that the Council behaved unreasonably because Council Members refused permission contrary to the professional advice received and without adequate reason to do so.
3. Given the concerns raised by an objector, it was reasonable for Members of the Council's Planning Committee to conduct a site visit in advance of the committee meeting, both to the application site and to the objector's property.
4. In my view, Council Members were entitled not to accept the professional advice of Officers so long as a case could be made to the contrary. In this case, the Council exercised its planning judgement based on their site visit and representations from a local resident. It concluded that the proposed development would conflict with Policies CS1 and CS10 of the Reigate and Banstead Local Plan Core Strategy 2014 and Policies DES1 and TAP 1 and Annexe 4 of the Reigate and Banstead Local Plan Development Management Plan 2019.
5. I appreciate that the applicant submitted a letter providing a professional opinion on the impacts of the proposal on daylight and sunlight to the neighbouring occupier. As this was included in an addendum report to the Committee and is referred to in the minutes of the meeting, I am satisfied that this was not ignored.
6. The Planning Practice Guidance (PPG) establishes that unreasonable behaviour can include vague, generalised or inaccurate assertions about a proposal's impact which are not supported by any objective analysis. I agree with the arguments advanced by the applicant in respect of the effect of the

development on living conditions and highway safety. However, I do not consider the Council's arguments to be inherently untenable or unreasonable. In my view, the Council has produced sufficient evidence to substantiate its case.

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

A Wright

INSPECTOR