



Costs Decision

Site visit made on 1 February 2024

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 March 2024

Costs application in relation to Appeal Ref: APP/L3625/W/23/3319316 Roebuck House, Bancroft Road, Reigate, Surrey RH2 7RP

- 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 Roebuck Close Ltd for a full award of costs against Reigate and Banstead Borough Council.
 - The appeal was against the refusal of planning permission for the partial infill of the existing undercroft car park to form five new apartments (2 x 2 Bed, 4 Person and 3 x 1 Bed, 2 Person) together with waste and cycle storage, the addition of 8 new balconies at first floor level, the addition of a new front entrance from Roebuck Close to the existing ground floor office unit and the retention of 25 car parking spaces.
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Decision

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

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. In this instance, the applicant has set out that the Council's planning committee acted unreasonably in refusing the application contrary to officer advice. However, the relevant development plan policies make it clear that the car parking standards are a guide and can be varied. While I have allowed the appeal, and therefore disagree with the committee's conclusions, it was not unreasonable for the committee to have determined that, in their view, the shortfall in car parking provision could not be justified.
4. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

C Butcher

INSPECTOR