



Costs Decision

Hearing held on 8 January 2025

Site visit made on 9 January 2025

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 JANUARY 2025

Costs application in relation to Appeal Ref: APP/L3625/W/24/3351990

Former Merstham Library, Weldon Way, Merstham RH1 3QB

- 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 Raven Housing Trust for a full award of costs against Reigate and Banstead Borough Council.
 - The appeal was against the refusal of the Council to grant planning permission for the demolition of existing building and redevelopment to provide residential dwellings with associated amenity space, landscaping, car and cycle parking.'
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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. Examples of unreasonable behaviour include, preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations. The PPG advises an application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
3. The applicant raises concerns about the time taken to determine the application. Also, that despite the appeal site being allocated for development in the local plan and the amendments made during the application process, the Council still refused planning permission.
4. The original proposal was for fourteen dwellings, and while local plan policy provides support for this use, the allocation policy states requirements to be satisfied. The proposal was amended in attempts to reflect these requirements during the application process. It seems to me that the delay to some extent was necessary to address this matter.
5. Even with those amendments there remained conflict with the requirements of the allocation policy. Moreover, while this is a modest development using an allocated site, the surrounding land-uses present issues which warrant careful consideration. While I disagree with the Council's conclusions, judgement is required with the issues and planning balance in this case.

6. Although the proposal was recommended for approval by a Council officer, the Council's planning committee it not bounded by this. Moreover, the Council substantiated its reasons for refusal with relevant development plan policies and reference to national guidance. These reasons were all supported by evidence during the appeal. I find no unreasonableness on behalf of the Council in this regard.
7. Also, given the particular site circumstances, and its relationship with nearby community facilities, it was necessary to clarify rights across the site in this appeal process. As such, the legal advice submitted with the appeal appears reasonable and necessary to guide judgements on this matter. In respect of most of the other evidence submitted in this appeal, this had already been prepared for the application or was necessary for an amendment to the plans that the applicant chose to make following the Council's original decision. Consequently, in this regard unnecessary and wasted expense has not occurred.
8. In light of the above it has not been demonstrated that the Council has behaved unreasonably during the application process or in refusing permission. As a result, I find that the behaviour of the Council has not led to the applicant incurring unnecessary or wasted expense in the appeal process for the reasons outlined above.

Conclusion

9. Having considered all submitted evidence and for the reasons previously stated, an award of costs is not justified.

A J Sutton

INSPECTOR