
Costs Decision

Hearing (Virtual) held on 26 March 2025

Site visit made on 27 March 2025

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th April 2025

Costs application in relation to Appeal Ref: APP/Q3630/W/24/3358081

Land adjoining No. 29 Huntingfield Way, Egham TW20 8DU

- 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 Runnymede Borough Council for a full award of costs against Mr Larry Murphy of Haskins Designs Ltd.
 - The appeal was against the refusal of planning permission for erection of a pair of semi-detached dwellings with associated parking, cycle and bin store.
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Decision

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

The submissions for Runnymede Borough Council

2. The costs application was submitted in writing.

The response by Mr Larry Murphy of Haskins Designs Ltd

3. The response was made in writing.

Reasons

4. 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.
5. The main points of the Council's case are that the development is clearly not in accordance with the development plan, because it is more vulnerable development in flood zone 3b.
6. As set out in the main decision, The National Planning Policy Framework (2024) states that buildings used for dwelling houses are more vulnerable development, and the PPG states that such development should not be permitted in flood zone 3b.
7. However, an important point of dispute between the main parties is whether the site is within flood zone 3b or not. The appellant submitted detailed information including topographical maps which seek to substantiate this point. This evidence adequately supports their case. The submissions are relevant and detailed and whilst it can be seen in the main decision that I do not agree with the appellant's conclusions, nevertheless this is a matter where there was a need to test the

evidence. Consequently, this was not development which was clearly not in accordance with the development plan.

8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

H Miles

INSPECTOR