



Costs Decision

Site visit made on 23 May 2025

by S M Holden BSc (Hons) MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th June 2025

Costs application in relation to Appeal Ref: APP/L3625/W/24/3354590 Banstead Cricket Club, Avenue Road, Banstead, Surrey SM7 2PP

- 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 Ian Thorpe for a full award of costs against Reigate and Banstead Borough Council.
 - The appeal was against the refusal of planning permission for demolition of the existing clubhouse, construction of a new double storey pavilion requiring the existing cricket nets to be repositioned and creation of new car 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.
3. The Appellant seeks to argue that the Council acted unreasonably in refusing the application on substantive grounds. Although the officers recommended the scheme should be approved, Members chose to refuse the application. Members are entitled to reach a different view from their officers where they involve matters of planning judgement, which was the case here. The issue of the effect of the scheme on the openness of the Green Belt, was a subjective one, which arose from concerns about the size of the proposed building and its location in a more prominent position on the site. Similarly, Members were concerned about the possibility of harm to the living conditions of adjoining occupants arising from non-cricket activities taking place late in the evenings. They were not satisfied that this matter could be addressed by the imposition of conditions. The Members therefore concluded that the very special circumstances necessary to justify a scheme in the Green Belt had not been demonstrated.
4. The Council provided a statement giving reasons why the Members reached their decision. This included details relating to the size and location of the proposed clubhouse. They also explained their concerns about the likelihood of the more intense use of the site arising from the improved facilities and the provision of a larger car park. They did not consider that conditions would be reasonable or easily enforceable to restrict the use to existing activities.
5. In addition, the Council's statement provided a response to the revisions to the National Planning Policy Framework and expanded its views in respect of heritage matters following the adoption of the enlarged Banstead Conservation Area.

6. The Council therefore did not act unreasonably through the appeal process.
7. The appeal provided the Appellant with an opportunity to present his case, supported by additional information including his response to the changes in national planning policy. He chose to do this rather than consider amending the proposal. It will be seen from the appeal decision, that I found the proposal would comply with revised national policy in respect of the Green Belt and there was no strong reason to reject the proposal on heritage grounds. I was also satisfied that concerns about noise and disturbance could be addressed through conditions.
8. Whilst the Appellant has incurred costs in the appeal process, these have not been wasted as I concluded that the proposal was justified and acceptable.
9. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

S M Holden

INSPECTOR