



Costs Decision

Site visit made on 20 May 2025

by **J Heppell BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 JUNE 2025

Costs application in relation to Appeal Ref: APP/Z3635/W/25/3358550

12 Stanwell Close, Stanwell, Surrey TW19 7LL

- 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 & Mrs Shiv Singh and Taranjeet Kaur Bains for a full award of costs against Spelthorne Borough Council.
 - The appeal was against the refusal of permission in principle for erection of 1-2 dwellings.
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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 PPG makes it clear that a local planning authority may be at risk of a substantive award of costs where it prevents or delays development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other materials considerations; or where it makes vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. At the heart of the applicant's concern is their belief that the Council failed to adhere to clear procedural guidelines to limit the assessment of permission in principle applications to location, land use and amount of development, as set out in the PPG.
5. I have reviewed the Council's Report on Application to be Considered under Delegation and noted that it explains that the scope of permission in principle applications is limited by the PPG to location, land use and amount of development. In the section of the report entitled Planning Considerations and Recommendation, each subsection is tagged according to which of the three topics is being considered, followed by an analysis of the proposal against the relevant development plan policies.
6. There is a tension between the narrow scope of permission in principle applications as defined in the PPG, and the requirement of Section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine applications in accordance with the development plan. In its report, the Council has clearly set out that the PPG limits the scope of its assessment to three topics, whilst at the same time meeting its duty

to assess the proposal against the provisions of the development plan. I consider this to be a reasonable approach which does not go beyond the scope allowed by the PPG.

Conclusion

7. In view of the above, I do not find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated. Therefore, an award of costs is not justified against the Council.

J Heppell

INSPECTOR