



Costs Decisions

Site visit made on 1 July 2025

by Nick Fagan BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2025

Costs application in relation to Appeal A Ref: APP/Y3615/X/23/3328292

The Kilns, 2 Portsmouth Road, Ripley, Surrey GU23 6EZ

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Thomas Cullum for a full award of costs against Guildford Borough Council.
 - The appeal was against the refusal of the Council to issue a certificate of lawful use or development (LDC) for a pool house.
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Appeal B Ref: APP/Y3615/W/23/3328294

The Kilns, 2 Portsmouth Road, Ripley, Surrey GU23 6EZ

- 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 Thomas Cullum for a full award of costs against Guildford Borough Council.
 - The appeal was against the refusal of the Council to grant planning permission for the erection of one dwelling following demolition of existing non-agricultural buildings.
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Decisions

1. Both applications for an award of costs are 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 terms of Appeal A, it is unclear how the applicant considers the Council to have acted unreasonably. His costs application, which he claims is based on a substantive rather than procedural basis, simply repeats the wording in Planning Practice Guidance (PPG) as to what may amount to unreasonable behaviour, without actually indicating what specific behaviour in this appeal corresponded with such examples and why. It is therefore unclear as to why he considers the Council should meet his alleged £7,500 costs in making this appeal. In any case, costs awards, even if they are made, do not specify a financial figure.
4. The Council, in its rebuttal (in Section 5 of its original appeal statement), acknowledges that it changed its mind in regard to its first refusal reason of the LDC application. However, although it concedes that its first refusal reason was not well founded, it maintains its second refusal reason and points out that an appeal would in any event have been necessary since the pool house was not permitted development for this second reason. I agree with that point. Furthermore, I have

explained in my decision on Appeal A why I consider that both refusal reasons were in fact well founded anyway.

5. For the above reasons there has been no unreasonable behaviour by the Council resulting in unnecessary or wasted expense and an award of costs is not warranted in Appeal A.
6. In terms of Appeal B, again, the applicant's agent simply repeats the wording in Planning Practice Guidance (PPG) as to what may amount to unreasonable behaviour, without actually indicating what specific behaviour in this appeal corresponded with such examples and why.
7. I have allowed Appeal B for the reasons given in my decision. But the Council was not unreasonable in refusing the planning application for the reasons it did at the time. Refusal reason 1 reflected national Green Belt policy at the time of the refusal and has only been rendered out-of-date by reason of the December 2024 revision to the NPPF, which fundamentally changed such policy. I have confirmed that refusal reason two was correct in maintaining that the failure to meet NDSS meant that the proposed development would conflict with Local Plan Policy H1(3), albeit that this was insufficient to prevent the appeal being allowed. Refusal reason 3 was not unreasonable because no S106 had been submitted by the appellant at the time to avoid unacceptable impacts on the TBHSPA, contrary to local and national policy. Indeed, the signed and dated S106 was only finally submitted on 15 July 2025.
8. For these reasons there has been no unreasonable behaviour by the Council resulting in unnecessary or wasted expense and an award of costs is not warranted in Appeal B.

Conclusions

9. There are thus no grounds for any award of costs to the appellant in respect of either Appeal A or Appeal B, and both the applications are consequently refused.

Nick Fagan

INSPECTOR