



Costs Decision

Site visit made on 30 June 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 AUGUST 2025

Costs application in relation to Appeal Ref: APP/M3645/W/25/3363529

3 Stuart Road, Warlingham, Surrey CR6 9JH

- 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 Silverleaf Group for a full award of costs against Tandridge District Council.
 - The appeal was against the refusal of planning permission for outline application with landscaping matters reserved for the demolition of existing dwelling and erection of two blocks containing a total of 14 apartments with access from Edgehill
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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. The appellant considers that the Council has behaved unreasonably in both procedural and substantive terms and seeks a full award of costs.
3. The PPG makes it clear that a local planning authority (LPA) may be at risk of a substantive award of costs if it fails to substantiate its reasons for refusal at appeal, and/or makes vague generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The Planning Committee refused the planning application against officer advice. Whilst a planning committee is entitled to make decisions that are contrary to officer recommendation, there is an expectation that where this occurs it should show reasonable planning grounds for taking a contrary decision and produce sound, substantive and defensible evidence on appeal to support the decision in all respects.
5. The LPA refusal contained two reasons. These were clear and succinct and gave rise to the two main issues that I have identified in my decision. The LPA did not seek to obfuscate in its reasons for refusing the application or subsequently in this appeal.
6. As regards to the effect of the development on the character and appearance of the area, the LPA referred to the scale and visual prominence of the scheme, separation distances and impact on the character and appearance of Stuart Road. There was the approved development on the adjoining site, the previous appeal

decision and the analysis in the Committee Report for the proposal. However, the site is in a different position to its neighbour and has a somewhat different relationship to the roads and some other features. It is not the same proposal as permitted on the adjoining site. The proposal does therefore require a separate and detailed analysis of its impact, even when considered that the scheme would meet the density requirements of the development plan.

7. Assessing the effect of a proposal on the character and appearance of the area is a matter of judgement. I consider that the LPA, through the reason for refusal and in its appeal statement, make sufficient planning arguments to defend this matter. While I disagree with the decision made by the LPA it was not without some merit. Its arguments referred to planning policies and guidance that was sufficient to make a reasonable case to defend the reason for refusal. On this basis the refusal of the scheme did not cross the bar to be considered unreasonable behaviour.
8. On the second issue of amenity space for the future occupiers, the LPA considered the available communal amenity space and how this space would potentially be impacted by limitations such as the slope of the site, the extent of the built form and the landscaping. Whilst I have reached a different conclusion to the LPA, in the absence of minimum standards, this is also a matter for deliberation and one that is within the scope of planning judgement. The refusal of the scheme on the basis of the above did not constitute unreasonable behaviour.
9. The applicant also raises concerns with the decision making process by the Council. This includes that it is claimed that drafting reasons for refusal prior to debating the application at Committee shows a level of bias and pre-determination by members and officers. However, these concerns do not relate to the appeal proceedings themselves and would be a matter for the Council to consider separately from this appeal. As I have found that the reasons for refusal were not unreasonable, it follows that the appeal was unavoidable and therefore an award of costs, either in full or in part, is not merited.
10. For the above reasons, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG has not been demonstrated. Therefore, the application for an award of costs should be refused.

C Coles

INSPECTOR