



Costs Decision

Site visit made on 14 July 2025

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th August 2025

Costs application in relation to Appeal Ref: APP/Y3615/W/25/3364374

North Wyke Farm, Guildford Road, Normandy, Surrey GU3 2AN

- 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 Guildford Borough Council for a full award of costs against Bramley Health Support Services Limited.
 - The appeal was against the refusal of planning permission for development described as the construction of a care home, 17 supported living units with staff accommodation and ten one and two bedroom affordable homes.
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Decision

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

Background

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 Applicant ("the Council") state that the Appellant made limited reference to the green belt, grey belt, and affordable housing. Instead, focusing on providing national data relating to specialist housing without a local context.
4. In addition, the Council state that the Appellant did not attempt to defend its position at appeal in respect of: the character of the area (including trees), highway matters, flood risk, surface water drainage, protected species habitat, biodiversity net gain, sustainability, the Special Protection Area and infrastructure.
5. The Council state that it has been put to unnecessary and wasted expense in having to defend this appeal.

Reasons

6. The costs regime is intended to support a well-functioning appeal system and encourage proper use of the right of appeal. It is aimed at ensuring that all those involved in the appeal process behave in an acceptable way.
7. I do not intend to rehearse the planning merits here as they are fully set out in my Appeal Decision, however, the Appellant's evidence is particularly limited with respect to some of the main issues. I note these issues have sparse reasoning and in some parts do not provide any rebuttal or discussion to the Council's reasons for refusal.

8. I therefore agree with the Council that much of its reasons for refusal were not adequately responded to at the appeal stage. That said, the Appellant is entitled to a right of appeal provided it is exercised in an appropriate manner.
9. The Appellant acknowledged, in evidence, that the development may not be in accordance with the development plan. It is part of the Appellant's case that very special circumstances weigh in favour of the proposal.
10. Regarding the green belt and character of the area, this is a logical approach by the appellant and a matter of judgement, weighting, and planning balance. The Appellant does tackle the green belt in its statement of case and other detailed considerations are provided. I therefore do not consider unreasonable behaviour has occurred in this respect.
11. Turning to highway safety and capacity, given the application was outline with all matters reserved, the appellant needed to proportionally show that the proposed development would be acceptable. Deciding what would be proportionate is a matter of judgment. While I ultimately agreed with the Council, the Appellant was entitled to test this at appeal.
12. Similarly with matters of sustainability, the Appellant was entitled to test, at appeal, what would be proportionate and on this main issue I agreed with the Appellant.
13. In respect to surface water drainage, protected species, habitats, and biodiversity net gain. These are principal matters which go to the heart of the outline application. Given the nature of these issues and their potential to also inform the detail of any future reserved matters, it is necessary to have this information at the outline stage.
14. The Appellant failed to provide any commentary as part of their statement of case and this amounts to unreasonable behaviour. However, the Council's own statement¹ is also silent on surface water drainage, protected species, habitats, and biodiversity net gain. Therefore, I cannot reasonably conclude that the Appellant's unreasonable behaviour in this regard has resulted in unnecessary or wasted expense for the Council in the defending of these issues.
15. I also appreciate the Appellant did not enter into a legal agreement or defend its position in this regard and the Council do point this out in a sentence near the bottom of page three of their statement. Again, this amounts to unreasonable behaviour by the Appellant, but, beyond a sentence highlighting this inaction, and as a matter of fact and degree, I do not consider that the Council has been put to unnecessary or wasted expense defending their decision for this particular reason.
16. Even though this is a repeat application, there were changes to the National Planning Policy Framework, the lodging of an appeal in regard to this application had some value and I have found that the Appellant acted reasonably in some respects. Therefore, pursuing the appeal was not without merit. However, and while I have found some unreasonable behaviour on behalf of the Appellant, this, on balance, has not amounted to unnecessary or wasted expense for the Council.

¹ Dated 13 May 2025.

Other Matters

17. The Appellant suggests that the Council acted unreasonably at the application stage such as the time taken to validate the application and respond to enquiries during the application lifecycle of the development proposal. However, my power to award costs is limited to costs necessarily and reasonably incurred in the appeal process only. It has not been clearly shown how these delays caused additional costs in pursuing this appeal.

Conclusion

18. Unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

N Praine

INSPECTOR