
Costs Decision

Site visit made on 30 June 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 AUGUST 2025

Costs application in relation to Appeal Ref: APP/K3605/D/25/3366703

21 Tower Gardens, Claygate, Esher, Surrey KT10 0HB

- 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 Lee Pendleton for a full award of costs against Elmbridge Borough Council.
 - The appeal was against the refusal of planning permission for two-storey side/front extension, pitched roof over front porch and roof lights.
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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. As evident from the Council officers delegated report, the Council had regard to the character of the area and site context in making its decision. A planning balance was exercised by the Council having regard to adopted development plan policy and other material considerations in reaching their decision.
4. The fact that there are other properties in the locality that have been extended does not in itself justify that consent should be granted. Appropriate regard must be had to the individual merits of a proposal, including its site context. The Council did note the site context and made reasoned conclusions on the effect of the proposal on the character and appearance of the host building and surrounding area.
5. The Council were entitled to require the submission of an arboricultural assessment (AA) as there is a protected tree on the site and each application is determined on its own merits. It is unfortunate the AA was not requested prior to determining the application, but the application was not refused on the basis of the absence of an AA alone, therefore the submission of an AA prior to determination of the application would not have made a difference to the outcome of the application which was determined within the 8 week deadline.
6. I understand the appellants frustration with the Council not engaging once the application had been determined, especially when the matter is simply requiring clarification, but once a decision has been made and an appeal lodged correspondence should be directed to the Planning Inspectorate.

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

C Coles

INSPECTOR