



Costs Decision

Site visit made on 19 August 2025

by **J Davis BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 August 2025

Costs application in relation to Appeal Ref: APP/D3640/D/25/3368720

Hurstwood Manor, 122A Upper Chobham Road, Camberley, Surrey, GU15 1EJ

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr A Belnik for a full award of costs against Surrey Heath Borough Council.
 - The appeal was against the refusal of the Council to grant planning permission for demolition of existing garage and erection of lower ground, ground floor and first floor side and rear extension, and car port.
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Decision

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

Reasons

2. The Planning Practice Guidance 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 PPG¹ advises that a local planning authority (LPA) could be at risk of a substantive award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. Of the examples set out in the PPG, the applicant claims that the Council has behaved unreasonably in relation to the following:
 - Preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; and
 - Not determining similar cases in a consistent manner.
4. It will be seen from my decision that I have come to a different conclusion to the Council in relation to the effect of the proposed development on the character and appearance of the existing dwelling and surrounding area. However, this is essentially a matter of subjective judgment, having regard to matters such as the design, scale, massing and bulk of the proposed extension and its appearance and integration in relation to the host dwelling.

¹ Paragraph: 049 Reference ID: 16-049-20140306

5. The amount of weight to be afforded to the consideration of the crown roof form of the existing side garage is also a matter of judgment. Given the raised height of the proposed extension and the increase in depth, the resultant roof form would be more prominent than that of the existing side element. It was not therefore unreasonable for the Council to reach the conclusion it did on this matter.
6. In their officer report, the Council had regard to the previous appeal decision in considering the proposed development and has adequately substantiated their reason for refusal in relation to the paragraph 135 of the National Planning Policy Framework (2024), the development plan and SPD guidance. Any imprecision in the officer's report appears to be minor and would have been unlikely to have had a significant bearing on the Council's overall decision to refuse the application and therefore would not have avoided the need for the appeal and the costs incurred.
7. I have no evidence before me to suggest that the Council has been inconsistent in their decision making. The appeal proposal is not directly comparable to the extensions approved by the Council at 241 Upper Chobham Road which were of a significantly different design and appearance.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, a full award of costs is not justified.

J Davis

INSPECTOR