



Costs Decision

Hearing held on 5 November 2024, 11 March 2025 and 23 July 2025

Site visit made on 23 July 2025

by Peter Willows BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2025

Costs application in relation to Appeal Ref: APP/L3625/C/24/3345298

Land at Saxon House, Haroldslea Drive, Horley, Surrey RH6 9PH

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Miles Delaney for a partial award of costs against Reigate and Banstead Borough Council.
 - The appeal was against an enforcement notice alleging the material change of use of the Land from amenity land to a gypsy/traveller site including the siting of a mobile home and laying of a new access track.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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. Applications for costs may relate to procedural matters or substantive matters concerning the issues arising from the merits of the appeal.
3. In this case, the application concerns a specific procedural matter regarding the notification of the second hearing session, which took place on 11 March 2025. The Council sent a notification letter to interested parties on 8 January. However, the letter did not contain all the necessary information regarding the background to the appeal. A subsequent letter, sent with the intention of correcting the earlier letter, was, unfortunately, incorrect in some respects and materially misleading. A third letter corrected the second letter but was only sent out a few days before the hearing took place.
4. When I opened the hearing session on 11 March I sought the views of both main parties regarding the notification letters. Both were of the view that interested parties had not been satisfactorily notified and may, as a result, have been denied the opportunity of attending the hearing. In the circumstances, both sides considered that the hearing should be adjourned, a view I shared. Consequently, I adjourned the hearing, and it resumed on 23 July, following appropriate notification.
5. Given the above, the appellant now seeks the costs incurred in respect of the hearing on 23 July. The Council does not oppose the application. It is clear that the hearing on 23 July would not have been necessary if correct notification for the earlier session had been carried out, and the appellant will plainly have incurred

costs in respect of that. Failure to carry out that notification was unreasonable behaviour on the part of the Council. The PPG identifies that failing to notify the public of an inquiry or hearing, where this leads to the need for an adjournment, can result in an award of costs against a local planning authority.

6. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred regarding those costs incurred in respect of the hearing session that took place on 23 July 2025, and a partial award of costs is therefore warranted.

Costs Order

7. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Reigate and Banstead Borough Council shall pay to Mr Miles Delaney the costs of the appeal proceedings described in the heading of this decision, limited to those costs incurred in respect of the hearing session that took place on 23 July 2025; such costs to be assessed in the Senior Courts Costs Office if not agreed.
8. The applicant is now invited to submit to Reigate and Banstead Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Peter Willows

INSPECTOR