



Costs Decision

Site visit made on 21 July 2025

by **L Francis BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 October 2025

Costs application in relation to Appeal Ref: APP/K3605/W/25/3360781

Land North Of Leverton, St Georges Avenue, Weybridge, Surrey KT13 0DP

- 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 Mr M Leslie, Leverton (Weybridge) Limited for a partial award of costs against Elmbridge Borough Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for 2 pairs of two-storey semi-detached houses with rooms in the roof space, new access, associated parking and landscaping.
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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. The appellant's claim for costs is based on procedural unreasonable behaviour by the Council.
4. The Council initially shared a summary of design officer's comments, with the full response of the design officer and tree officer not being shared until the appeal questionnaire was received. The appellant considers that had they had sight of the full content of these comments, then they may have decided not to submit an appeal. The PPG (reference 16-049-20140306) sets out that a failure to provide reasonably requested information, when a more helpful approach would probably have resulted in either the appeal being avoided altogether, or the issues to be considered being narrowed, thus reducing the expense associated with the appeal, can amount to unreasonable behaviour.
5. The appellant acknowledges that they are aware the Council would not have accepted revisions during the course of the application. I note furthermore that the appellant did not engage in pre-application discussions regarding the proposed scheme. This would have been a means of identifying potential issues in advance which would need to be resolved prior to the grant of planning permission.
6. The Council's design officer and tree officer are not statutory consultees. The Council confirms that they form part of the Council's planning team, and their procedure is that officer comments from 'internal officers' are made publicly available after a decision is issued. As the appeal was against the failure of the

Council to determine the planning application within the statutory period, the full comments of the conservation officer and tree officer were not made available.

7. From the evidence before me, it is apparent that the Council did communicate most of its concerns with the applicant during the course of the application, prior to the submission of the appeal. I understand the appellant's view that the lack of detail was somewhat unhelpful and as such they did not have a full understanding of the Council's issues with the scheme prior to the submission of their appeal. However, as the appeal was submitted against the failure to determine the application, the Council, according to its procedures had not been obliged to share the tree officer and design officer's comments prior to determination.
8. Whilst sharing the design and tree officers' comments in full would have assisted the appellant's understanding of the issues, it would not have removed the necessity of an appeal altogether given the number of issues in dispute. As the appeal process is not intended to be a means of evolving a scheme, I do not see how the issues could have narrowed during the process without significant revision which the Council would have not been willing to accept.
9. I have been referred to another costs decision (appeal reference APP/W2845/W/24/3343140) which awards costs partly based on the late publication of the landscape officer's comments. On reading that decision it appears that the officer's comments were not communicated at all with the appellant in that case and there were various other factors at play. I consider therefore that the circumstances are not directly comparable.
10. Although the Council's communication with the appellant regarding the detailed observations of the design and tree officers was not helpful, I do not consider that this in itself can be classified as unreasonable behaviour sufficient to justify an award of costs.
11. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary or wasted expense during the appeal process as described in the PPG has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is not warranted.

L Francis

INSPECTOR