



Costs Decision

Site visit made on 25 November 2025

by **P Burley BA (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 DECEMBER 2025

Costs application in relation to Appeal Ref: APP/Z3635/W/25/3373992

18 Wellington Road, Ashford TW15 3RJ

- 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 Daniel Moore for a full award of costs against Spelthorne Borough Council.
 - The appeal was against the refusal of the Council to approve the variation of Condition 3 of planning permission 24/01542/FUL.
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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 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 has said that the Council's decision, which was contrary to officer advice, was based on concerns which were not supported by technical evidence or policy-based analysis, that it was not based on objective planning grounds or a sound interpretation of policy and, consequently, that it was procedurally unsound. In its response, the Council has said that members of the planning committee raised concerns regarding design and neighbouring amenity during the meeting where the application was determined. The applicant has said that these did not form the central focus of the discussion and were only briefly and vaguely mentioned during a debate lasting nearly an hour.
4. The applicant has provided a hyperlink to a video recording of a committee meeting to support its application for costs, and the Council has also referred to a recording being available online. However, hyperlinks should not be used in appeal submissions¹ and video evidence cannot be accepted in written representations appeals². Therefore, I have not viewed the recording.
5. Whilst the applicant has also said that the minutes of the meeting contain no reference to design matters, the list of issues raised is clearly a very short summary

¹ <https://www.gov.uk/government/publications/appealing-to-the-planning-inspectorate-communicating-electronically-with-us/appealing-to-the-planning-inspectorate-communicating-electronically-with-us> (Paragraph 3.9)

² <https://www.gov.uk/government/publications/planning-appeals-procedural-guide/procedural-guide-planning-appeals-england#written-representations> (Paragraph 9.5.9.)

and does not allow me to determine whether or not particular matters were discussed, even if only briefly so.

6. There is no other evidence before me, for example a transcript or written summary of the video, to demonstrate the absence of any substantive discussion on the planning merits of the scheme at the committee meeting and that, on that basis, the Council acted unreasonably. In the absence of such evidence an award of costs is not warranted.

P Burley

INSPECTOR