
Costs Decision

Site visit made on 14 November 2025

by **J Heppell BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 DECEMBER 2025

Costs application in relation to Appeal Ref: APP/K3605/W/25/3373000 Weybridge Bowling Club, 19 Springfield Lane, Weybridge, Surrey KT13 8AW

- 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 Birchwood Homes Ltd for a partial award of costs against Elmbridge Borough Council.
 - The appeal was against the refusal of outline planning permission for a development of up to 9 self-build residential units (all matters reserved).
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Decision

1. The application for a partial 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.
3. The PPG makes it clear that a local planning authority may be at risk of a substantive award of costs if it: prevents or delays development which should clearly be permitted; fails to produce evidence to substantiate each reason for refusal; makes vague, generalised or inaccurate assertions about a proposal's impact; or persists in objections to a scheme or elements of a scheme which an Inspector has previously indicated to be acceptable.
4. The applicant considers that the Council exhibited elements of the above by treating the indicative design of the scheme, showing mansard roofs, as fixed rather than illustrative; and by refusing to accept an amended access plan aimed at overcoming the highway authority's concerns.
5. Outline applications allow for a decision to be made on the general principles of how a site can be developed. In this case, the application was submitted in outline with all matters reserved. Therefore, both the scale of the development (which includes the height of the houses) and its appearance (the exterior of the development) were reserved for future consideration. The indicative plans submitted with the application were for illustrative purposes only.
6. The Council only needed to determine whether, in principle, the site could accommodate nine dwellings. It could not assume that mansard roofs would form part of the eventual development, or that an alternative scheme was not capable of being devised which the Council would find acceptable. By assessing the potential suitability of mansard roofs, its deliberations went beyond what was required to

decide whether to grant outline planning permission for nine dwellings. I therefore consider that in this respect the Council's behaviour was unreasonable.

7. It is at the discretion of local planning authorities whether to accept amended plans after an application has been submitted. The Council has pointed out that both it and Surrey County Council offer a pre-application service, which the applicant could have utilised to devise an appropriate highway solution prior to submission of the application. In this instance, the Council opted not to accept the amended plans. Whilst I have accepted an amended indicative access plan as part of the appeal, it was not unreasonable of the Council to determine the application on the basis of the plans which accompanied the application.

Conclusion

8. Whilst it was reasonable of the Council to decline to accept amended plans, it acted unreasonably in refusing the application on the basis of the use of mansard roofs, when scale and appearance were reserved for future consideration. Unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated. Therefore, a partial award of costs is justified against the Council.

Costs Order

9. 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 Elmbridge Borough Council shall pay to Birchwood Homes Ltd, the costs of the appeal proceedings described in the heading of this decision limited to those costs relating to the second reason for refusal (design), such costs to be assessed in the Senior Courts Costs Office if not agreed.
10. The applicant is now invited to submit to Elmbridge 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.

J Heppell

INSPECTOR