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## Costs Decision

Hearing held on 24 November 2025

Site visit made on 24 November 2025

**by Matthew Jones BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 December 2025

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### **Costs application in relation to Appeal Ref: APP/Z5630/W/20/3245773**

#### **Rushett Stables, Leatherhead Road, CHESSINGTON, KT9 2NG**

- 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 Miss Laura Williams for a partial award of costs against Royal Borough of Kingston Upon Thames.
  - The appeal was against the refusal of planning permission for the change of use of land to a private Gypsy and Traveller caravan site consisting of one mobile home and associated development, demolition of stable building.
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### **Decision**

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

#### **The submissions for Miss Laura Williams**

2. The costs application was submitted in writing before the hearing and added to orally at the hearing. In summary it alleges that the Council behaved unreasonably by not accepting that the proposal is not inappropriate development following the changes to both the Planning Policy for Travellers Sites (the PPTS) and the National Planning Policy Framework (the Framework).
3. Based on these changes to national policy, the applicant believes that the Council should have promptly conveyed to the applicant that it no longer wished to defend the appeal. Unnecessary expense has arisen in the work that took place in order to support the applicant's case there onwards.

#### **The response by the Council**

4. The response was made orally at the hearing. In essence, the Council did not promptly review the case with the applicant because it was waiting for a timetable from the Planning Inspectorate (PINS) and an invitation from PINS to provide a second Statement of Common Ground (SoCG). The Green Belt related evidence submitted by the applicant may prove useful to the decision-making process and therefore the costs for its creation should not be directed to the Council.

### **Reasons**

5. 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.

6. One can glean from a plain reading of the evidence that, prior to the first decision being quashed, the Council had accepted the site to be PDL and had also come to accept that the scheme would increase the openness of the Green Belt insofar as it related to the removal of the stables and tack room and the introduction of a mobile home. The former is in the SoCG and the latter set out in paragraph 12 of the quashed decision.
7. It was therefore reasonable for the applicant to assume it would be common ground that the scheme complied with the clearly more permissive wording of paragraph 154 g) of the revised Framework and therefore was not inappropriate development, when the applicant wrote to the Council setting out that position on 31 March 2025.
8. However, instead of accepting that logical proposition, the Council responded with obfuscation in its correspondence. This was compounded by the Council's second hearing statement, within which Paragraph 154 g) is rehearsed, but is not then applied. At the hearing the Council finally argued that only the spatial aspect of openness would be increased, but there would be substantial harm to the visual aspect of openness through the introduction of the mobile home.
9. This is not a distinction previously drawn by the Council in its evidence. Rather, the Council's agreement reached at the previous hearing that openness would be increased in relation to the demolition work and the introduction of the mobile home is set out in the decision letter in unqualified terms. The Council's alternative position presented at the latest hearing that the mobile home would increase the spatial openness of the Green Belt but simultaneously substantially erode the Green Belt's visual openness also lacks both substance and stretches credibility.
10. As for the role of PINS, there is nothing in The Town and Country Planning (Hearings Procedure) (England) Rules 2000 (the Rules) that says that, in the instance of a quashed decision, a second timetable and/or invitations for the main parties to agree a new SoCG will or should be supplied. The Rules merely set out that an opportunity for the parties to update their case should be provided, which it was. The Council would or should have been aware of the Rules, and plainly it is not PINS' responsibility to manage the Council's case on its behalf. Given such, the Council unjustified obfuscation on the issue, combined with its implausible, latter attempt to qualify and reframe its position, constitutes unreasonable behaviour.
11. On the other hand, the Council's case did not rest just on the effect on the Green Belt, but also on the character and appearance of the area, an issue where the previous Inspector found conflict with the development plan, as have I. Given that issue, it is unduly presumptive on the applicant's part to assert that the Council should have folded its entire case when the PTTS and the Framework were updated, and therefore that all matters outwith the Green Belt, including all relevant material considerations, did not need to be rehearsed again.
12. On this basis, unreasonable behaviour that has led to unnecessary expense has taken place, but is focused on the Green Belt elements of the appeal subsequent to the correspondence of 31 March this year.

### **Costs Order**

13. 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 Royal

Borough of Kingston Upon Thames shall pay to Miss Laura Williams, the costs of the appeal proceedings described in the heading of this decision, limited to those costs incurred in relation to the Green Belt following 31 March 2025; such costs to be assessed in the Senior Courts Costs Office if not agreed.

The applicant is now invited to submit to Royal Borough of Kingston Upon Thames, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

*Matthew Jones*

INSPECTOR