
Costs Decision

Site visit made on 21 November 2025

by **G Sylvester BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 December 2025

Costs application in relation to Appeal Ref: APP/Z3635/W/25/3368564 Maynard Court, Rosefield Road, Staines-upon-Thames, Surrey TW18 4QD

- 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 S Bowyer for a full award of costs against Spelthorne Borough Council.
 - The appeal was against the refusal of the Council to grant Prior Approval for the erection of two floors of residential flats on top of the existing detached block of flats. The proposed third and fourth floor extension would consist of 4 apartments per floor with associated parking and refuse facilities
-

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. The PPG sets out a non-exhaustive list of behaviours that may give rise to a substantive award of costs.
3. In this instance the applicant seeks a full award of costs on the grounds that the Council's refusal reason was based on vague, generalised or inaccurate assertions about the proposal's impact, which are unsupported by any objective analysis or evidence to substantiate them. Furthermore, the applicant contends that the Council's decision was not consistent with an earlier decision it had made¹ to extend the appeal building with two additional floors. Not determining similar cases in a consistent manner is amongst the behaviours identified in the PPG that may give rise to an award of costs.
4. Dealing first with consistency of decision making, the evidence indicates that the earlier prior approval application was substantially similar to the appeal proposal before me. The difference between them being the omission of the balconies from the earlier scheme which was necessary for the appeal scheme to comply with the limitations in Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.
5. In determining the earlier application, the Council considered all relevant prior approval matters and it did not have any concerns regarding that scheme's external appearance or effects on the amenity of the existing occupiers. Despite being

¹ 24/00392/PAP

substantially similar, the Council changed its stance when determining the appeal scheme and found harm in respect of both of those prior approval matters. No clear explanation has been given to justify why it reached a different decision on what was otherwise a substantially similar proposal. Whilst I have found that the Council was correct to refuse the appeal scheme, that does not alter the fact that it acted inconsistently in not determining those similar cases in a consistent manner.

6. Moreover, the Council's decision notice gave only brief reasons for the harms it considered would arise from the appeal scheme, with height and scale being identified as the causal factors. Those reasons lacked a clear analysis setting out why those factors would result in harm to the character and appearance of the area, and the amenity of the existing occupants through loss of light and privacy. The reasons relating to light and privacy are particularly vague. Whilst the proposed development's height and scale are shown on the submitted drawings it does not remove the need for the refusal reasons to be supported by a clear analysis of their impacts.
7. The reasons on the decision notice left the applicant in the difficult position of being unclear why their scheme was considered to cause those harms, particularly as the earlier substantially similar scheme had been found not to cause them, and the decision was made against the recommendation of officers. This matters because it adversely affected the applicant's ability to fully understand the Council's objections to their development at the point of refusal and make an informed decision on how to react to them. This meant the applicant would have been unable to properly weigh-up the merits of their case and that of the Council, and to make an informed decision on whether to lodge an appeal or whether to engage with the Council and potentially consider a revised application. One of the overarching purposes of the costs regime in the PPG is to avoid that situation from occurring by ensuring that the parties cases are sufficiently evidenced².
8. The Council subsequently submitted a Statement of Case in response to the appeal which contains an analysis of the impacts of the appeal development's scale and height, and why it would not have been acceptable. This refers, for example, to the enlarged car park as the causal factor of the stated loss of privacy to existing occupants of the building, which is not mentioned in the refusal reasons. However, that analysis came too late to be of assistance to the applicant in fully understanding the Council's objections to its scheme and deciding how to react to them. The applicant had to lodge the appeal to obtain it.
9. The Council's Statement of Case also appears to introduce, as new harms and grounds for objection, the loss of amenity space due to the enlarged car park, and noise and disturbance generated by its use. Neither are mentioned in the refusal reasons on the decision notice so they would have been a surprise to the applicant, who had to address them through the appeal. Introducing new grounds for refusal and evidence are examples of unreasonable behaviour in the PPG. They are further indicators of an insufficient analysis of the proposed development's impacts at the point when the application was refused.
10. In summary the Council's decision on the appeal scheme was inconsistent with its previous decision on a substantially similar scheme and it introduced new evidence and objections through its Statement of Case, which the applicant had to deal with

² Paragraph: 028 Reference ID: 16-028-20140306

through the appeal process. Moreover, its refusal reasons were unsupported by a sufficient analysis of its impacts on the character and appearance of the area and the amenity of existing occupants. This amounts to unreasonable behaviour in the terms set out in the PPG and it left the applicant with no real option but to appeal the decision and incur the full costs of doing so. Had the Council acted reasonably, including providing clear reasons for refusal with a sufficient analysis of the development's impacts, there is a realistic prospect that the appeal and the applicant's costs associated with it could have been avoided.

Conclusion

11. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a full award of costs is therefore warranted.

Costs Order

12. 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 Spelthorne Borough Council shall pay to Mr S Bowyer, the costs of the appeal proceedings described in the heading of this decision such costs to be assessed in the Senior Courts Costs Office if not agreed. The applicant is now invited to submit to Spelthorne 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.

G Sylvester

INSPECTOR