



Costs Decision

Site visit made on 10 November 2025

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22nd December 2025

Costs application in relation to Appeal Ref: APP/A3655/W/25/3371826

The Beeches, Wych Hill Lane, Woking GU22 0AH

- 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 Baden Johnson for a full award of costs against Woking Borough Council.
 - The appeal was against the refusal of planning permission for 'the construction of a two-storey rear infill extension and part first floor rear extension to provide 1no. additional two-storey, two-bedroom unit, as well as alterations to the roof including the removal of a chimney breast and the addition of rooflights and enlargement of existing front balconies; all together with all other minor internal alterations'.
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Decision

1. The application for an award of costs is refused.

Reasons

1. 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.
2. Unreasonable behaviour on the part of a Council may include lack of co-operation with the other parties at appeal, not determining similar cases in a consistent manner, failure to produce evidence to substantiate each reason for refusal, making vague, generalised or inaccurate assertions about a proposal's impact or preventing development which should clearly be permitted having regard to the development plan, national policy and any other material considerations.
3. The costs application is made on the basis that the Council acted unreasonably in refusing planning permission. The applicant contends that the Council (1) did not provide clear and timely guidance in relation to the flood risk sequential test and failed to engage collaboratively with the appellant prior to the determination of the application, (2) refused the application based on flawed and rigid interpretation of sequential test requirements, and (3) has been inconsistent in its decision making. The applicant additionally suggests that costs have been incurred by consultants in preparing the appeal documents.
4. In relation to (1), costs can only be awarded in relation to unnecessary or wasted expense incurred during the appeal process. Therefore, even if the Council could have engaged more positively at the planning application stage, this does not justify an award of costs. Whether the Council should publish more detailed advice in this regard is not a matter for this appeal, nor is it a mandatory requirement.

5. In relation to (2), the Council's reasons for refusal are set out in the decision notice and are complete, precise, specific and relevant to the planning application. The reasons are also linked to the policies of the development plan and the National Planning Policy Framework. These reasons are adequately expanded upon in the Council's Officer Report. Although I have allowed the appeal, the Council's first reason for refusal was not unreasonable, having regard to the evidence before it, previous appeal decisions and the relevant planning policy context, including the PPG then in place.
6. Moreover, the inclusion of the second reason for refusal, was not unreasonable given that the Council intended to refuse the application for another substantive reason. Completion of the legal agreement sooner would not have avoided the need for the appeal.
7. In relation to (3), I have not been provided full details of the other applications referred to. As such, I cannot be certain those cases are directly comparable to the appeal proposal. Even if they were, how the Council weighs up factors is a matter of planning judgement.

Conclusion

8. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated by the applicant. Consequently, the application for an award of costs is refused.

H Marriott

INSPECTOR