



Costs Decision

Site visit made on 9 December 2025

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 December 2025

Costs application in relation to Appeal Ref: APP/L3625/W/25/3372701

Sunny Acres Nursery, 18 Reigate Road, Hookwood, Surrey RH6 0HJ

- 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 Richard Foss for a full award of costs against Reigate and Banstead Borough Council.
 - The appeal was against the refusal of planning permission for the development proposed described as 'erection of 4 x new build dwellings; in the alternative to permission granted under 23/02512/F for 3 dwellings including extensions that would otherwise be permitted development and subdivision of plot 1 to pair of semi-detached houses'.
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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. It states examples of unreasonable behaviour include (i) preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; and (ii) vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis and not determining similar cases in a consistent manner.
4. The application for an award of costs is based on the Council's alleged failure to deal with cases consistently. This appears to stem from the assertion that the Council failed to approve the application based on the fallback position. However, the officer's report attributes moderate weight to this position, which is a reasonable approach. I agree with the weighting given by the Council, given the differences between the fallback position and the proposal.
5. The claim that the Council has acted inconsistently with reference to the cited planning applications is noted. However, these decisions relate to a different district and concern schemes that are not directly comparable to the proposal. While they are not strictly analogous, they do illustrate how permitted development tolerances can operate as a fallback position. However, this point, is not in dispute and was taken into account by the Council.

6. Accordingly, I do not consider that the Council failed to properly evaluate the application or consider all relevant considerations, therefore the appeal could not have been avoided. I have found that in exercising their planning judgement the Council had reasonable concerns about the impact of the proposed development which justified its decision.
7. Therefore, for the above reasons unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

V Goldberg

INSPECTOR