



Costs Decision

Site visit made on 17 December 2025

by A James BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 JANUARY 2026

Costs application in relation to Appeal Ref: APP/Z3635/W/25/3373359

60 Avondale Road, Ashford, Surrey TW15 3HT

- 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 Daniel Moore of Axmo North Limited for a full award of costs against Spelthorne Borough Council.
 - The appeal was against the refusal of planning permission which was described on the application form as 'First floor rear extension to facilitate a change of use from a 6-bedroom HMO (use class C4) to a 7-bedroom HMO (use class *sui generis*)'.
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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 (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 applicants state that the committee members overturned the officer recommendation without robust evidence-based planning reasons. The applicant indicates that the appeal was unnecessary as the proposal complies with the development plan and committee members failed to work proactively with the applicants when reaching their decision.
4. Committee members are not duty bound to follow the advice of its professional officers. They can reach a different decision but they have to clearly demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence to defend their reasoning.
5. I have not agreed with committee members that there was harm in relation to living conditions and parking provision. Nevertheless, the committee members have not behaved unreasonably by going against officer recommendation because the reason for the refusal set out in the decision notice is precise and specific and relevant to the application. The Council provided an appeal statement which adequately explained the reason for refusal and how members arrived at their decision. Therefore, they have not behaved unreasonably in this regard.
6. The applicant has indicated the committee members demonstrated procedural unreasonable behaviour by failing to request further technical evidence, impose conditions to mitigate their concerns or defer application for further review. The committee members felt they had enough evidence to make a decision and

exercised their procedural right to do so. They are under no obligation to seek amendments or defer an application. Therefore, procedural unreasonable behaviour has not been demonstrated.

7. The applicant raised they have incurred costs by preparing the appeal. They have indicated that this involved creating additional documents for the appeal. The PPG is very clear that parties in planning appeals normally meet their own expenses. The time the applicant spent preparing for the appeal and producing supporting documents is part of the necessary course of the appeal process. Therefore, it has not been demonstrated that the applicant has incurred unreasonable costs through the appeal process.
8. The applicant has indicated that they have incurred unnecessary expense because refusal of the application has led to a delay in implementation and this has led to lost rental income and other delay-related costs. The PPG finds that awards cannot extend to compensation for indirect losses, such as those which may result from alleged delay in obtaining planning permission. Therefore, costs cannot be awarded on this basis.
9. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

A James

INSPECTOR