



Costs Decision

Site visit made on 13 January 2026

by Chris Preston BA (Hons), BPI, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th January 2026

Costs application in relation to Appeal Ref: APP/M3645/X/24/3345565

Tavira Parkwood Road, Tatsfield, WESTERHAM, TN16 2LT

- 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 T Crowhurst for a full award of costs against Tandridge District Council.
 - The appeal was against the refusal of an application for a certificate of lawful development for a two-storey rear extension.
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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 appellant has made an application for a full award of costs on the basis that the Council acted with a lack of co-operation; that it prevented development which should clearly be lawful; that it failed to produce evidence to substantiate the refusal of the application; and that it made vague, generalised or inaccurate assertions about the proposal, which are unsupported by any objective analysis.
4. It is claimed that the Council could have sought clarification but chose to feign ignorance as to the nature of the proposals and that the plans do not show a single storey extension to the right of the proposed two storey extension. The applicant maintains that the Council failed to properly scrutinise the application.
5. It does not appear that the Council has responded directly to the costs application. However, the points raised in its appeal statement are sufficient to identify that there was no unreasonable behaviour in the way the application was determined. As I have set out in detail in my associated decision, the plans submitted with the application were unclear in a number of aspects.
6. The Council did seek clarification as to the nature of the proposals. The agent's response to that request was confusing to my mind. Whilst he stated that the existing conservatory was not to be demolished, that is not what appears to be shown on the plans. Moreover, the new L-shaped wall was clearly more than just an alteration to the existing side wall of the conservatory but represented a new wall which would be essential in enclosing the passageway, directly to the side of the two-storey extension. In fact, the agent's response indicated that he did not

- object to the Council altering the description, even though he did not agree with that course of action.
7. In addition, the plans were unclear in respect of the roof arrangements and did not demonstrate that the side extension would be an independent structure, notwithstanding the annotation on the elevations. The level of detail submitted was not sufficient to make that case on the balance of probabilities.
 8. Overall, the Council did analyse the proposals in front of them and set out why they considered the scheme not to be lawful, with reference to specific elements of the GPDO. I agreed with that assessment for the reasons given in my decision. An attempt was made to discuss the inconsistencies with the agent and I am of the view that the Council was not unreasonable in the way it handled the application.
 9. On reading the correspondence submitted, the impression gained is that the agent felt somewhat worn down by the Council's requests for information over what he considered to be unnecessary detail. Upon submitting roof plans he noted, "Not sure how these inform COL (plans for plans sake?) but trying not to argue so much these days as it doesn't get me anywhere".
 10. The reality is that minor details can make a significant difference when dealing with applications for a Certificate of Lawfulness and the Council was simply requesting more detail in terms of how the various elements of the proposed plans would relate to each other; matters that were unclear on the first submission. Having received the information it was not unreasonable for the Council to determine the application based on the details before it.
 11. It does strike me as a situation that could easily have been resolved, perhaps with a further meeting or telephone call where the issues of uncertainty could have been discussed. As noted in my decision, I have some sympathy for the appellant in that regard but I find it hard to apportion any blame or responsibility to one side or the other. The level of communication between the Council and the agent appears to have been somewhat strained.
 12. However, for the reasons given, I am satisfied that the Council did seek to cooperate and tried to clarify the nature of the proposals and subsequently determined the application, providing adequate reasons for doing so. There was no unreasonable behaviour in those respects and it follows that there are no grounds for an award of costs. Accordingly, I shall refuse the application.

Chris Preston

INSPECTOR