



Costs Decision

Site visit made on 20 January 2026

by J Heppell BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th February 2026

Costs application in relation to Appeal Ref: APP/P3610/W/25/3376195

26 Lansdowne Road, West Ewell, Epsom KT19 9QL

- 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 Gramoz Kastrati for a full award of costs against Epsom and Ewell Borough Council.
 - The appeal was against the refusal of the Council to grant approval to details required by a condition of a planning permission.
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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 PPG makes it clear that a local planning authority may be at risk of a substantive award of costs where it fails to produce evidence to substantiate each reason for refusal on appeal; makes vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis; or refuses to provide reasonably requested information.
4. Although the Council did not respond to the applicant's grounds of appeal, its Officer Report set out its concerns with the applicant's choice of roofing material. It explained that these concerns related to the prevailing character of the area, which it described, and concluded that the applicant's proposed roofing material harmfully departed from the predominant character of the area, contrary to the development plan. There was sufficient evidence for me to understand the Council's concerns.
5. Whilst I have taken a different view on the acceptability of the applicant's chosen roof material, the Council has provided evidence to substantiate its reason for refusal, and has not relied on vague, generalised or unsupported assertions. The Council's decision is a matter of planning judgement, and a difference of view as to the acceptability of the roofing material does not amount to unreasonable behaviour.
6. The parties dispute the extent to which proactive engagement took place with the aim of finding a mutually acceptable roofing material. The Council has set out a detailed record of the discussions between the parties, which include the Council setting out its concerns, agreeing to an extension of time, and accepting additional

information. The applicant has not disputed the events set out by the Council, but argues that they do not constitute reasonable engagement, because in their view there was a lack of clear guidance. However, it seems clear to me that engagement did occur, and the parties simply disagreed on the appropriate roofing material. This does not constitute unreasonable behaviour.

Conclusion

7. In view of the above, I do not find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated. Therefore, an award of costs is not justified against the Council.

J Heppell

INSPECTOR