
Costs Decision

Hearing held on 9 December 2025 and on 16 January 2026

Site visit made on 16 January 2026

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 FEBRUARY 2026

Costs application in relation to Appeal Ref: APP/L3625/W/25/3370035

Roseland, Garratts Lane, Banstead, Surrey SM7 2EQ

- 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 McCarthy Stone (McCarthy & Stone Retirement Lifestyles Ltd) for a partial award of costs against Reigate and Banstead Borough Council.
 - The appeal was against the refusal of planning permission for the redevelopment of the site to provide 42 one and two bedroom units for older people with associated parking, landscaping and communal facilities (C3 Use Class).
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Decision

1. The application for a partial award of costs is allowed in the terms set out below.

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 applicant asserts that the Council has acted unreasonably by failing to put in place proper procedures so as to allow it to receive, consider and publicise the applicant's evidence in advance of the hearing scheduled for 9 December 2025. This resulted in the hearing being adjourned which caused the applicant to incur unnecessary costs including with professional fees, accommodation and travel costs.
4. The evidence indicates that the applicant sent their appeal submission to the Council on 19 September 2025 spread across a series of emails. In the absence of any bounce back response, the applicant assumed that the Council had received the various emails. However, when the hearing first sat on 9 December 2025, the Council raised that it did not receive all the documents submitted by the applicant, nor were these documents published in the Council's website for public consultation. This resulted in the hearing being adjourned, in the interests of fairness.
5. The Council does not contest the email address utilised by the applicant to send their submission. Further, it acknowledges in its costs submission that it is likely that there was some sort of firewall system or process failure which led to the applicant's submission not being received. While I appreciate that the Council is still

investigating this matter, it is up to the Council to ensure that its email systems are working properly.

6. I have been provided with copies of correspondence exchanged between the parties during the course of the planning application. From examining the correspondence, which includes reference to the Hearing Statement, I find that this should have prompted the Council to check whether there was an issue affecting receipt of emails. In addition, the applicant's Statement of Case set out that they anticipated to present evidence pertaining to several matters. Given such, had the Council considered this matter as a whole, it would have likely identified the missing information in advance of the hearing.
7. The applicant could have monitored the submission in the Council's website, which would have likely resulted in them understanding that some documents were missing. However, ultimately, it is not the applicant's responsibility to do so, and the evidence indicates that the applicant did engage with the Council in order to understand whether all details had been received.
8. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a partial award of costs is therefore warranted.

Costs Order

9. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Reigate and Banstead Borough Council shall pay to McCarthy Stone (McCarthy & Stone Retirement Lifestyles Ltd), the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.

The applicant is now invited to submit to Reigate and Banstead Borough Council, to whose agents a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

P Terceiro

INSPECTOR