



Costs Decision

Site visit made on 19 January 2026

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th December 2026

Costs application in relation to Appeal Ref: APP/Z3635/W/25/3375319

4 Burgoyne Road, Sunbury-on-Thames, Surrey TW16 7PW

- 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 S Salim (Ammar homes Ltd) for a full award of costs against Spelthorne Borough Council.
 - The appeal was against the refusal of planning permission for the change of use from C3 (licensed 6-bed HMO) to sui generis to allow for 8 bed HMO.
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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 applicant asserts that the Council has acted unreasonably including by failing to comply with mandatory deadlines, failing to substantiate reasons for refusal, misapplied standards, was inconsistent in its decision making, refused the application on matters capable of being addressed by condition, prevented development which should clearly have been permitted and submitted unlawful suggested conditions.
4. The applicant states that the Council failed to send its appeal questionnaire to the applicant on time and, additionally, did not provide any justification for this. While this is unfortunate and shows some lack of cooperation, there is no evidence to suggest that this resulted in any unnecessary or wasted expense being incurred by the applicant.
5. The Council recognises that due to an administrative error its Statement of Case (SoC) was submitted late and therefore was not accepted by the Planning Inspectorate as part of the evidence. In any event, there is no requirement for the Council to submit a separate statement, and it is not unreasonable for the Council to rely on the officer report as its statement of case for the purposes of this appeal. The applicant's appeal submission responds to the Council's reason for refusal, which shows that the applicant was aware of the case they needed to meet.
6. There are some areas of dispute which relate to matters of planning judgement, including whether the proposal would provide adequate living conditions for future occupants and its effect on the living conditions of adjoining residents regarding

- noise and disturbance. In determining this application, the Council in its officer report outlined the reasons for the decision, along with the appropriate policies. While reference was made to standards pertaining to family housing, this is recognised within the officer report, and a qualitative assessment was undertaken.
7. Although I did not agree with all of the Council's conclusions, overall, I am satisfied that the Council gave an appropriate reasoned assessment for its decision, and it was not unreasonable to have refused the application exercising its planning judgement. Consequently, I am not persuaded that the applicant was left in a position of directly incurring wasted expense at appeal as a result.
 8. The applicant contends the Council reached different conclusions when granting a planning permission for a 7 person HMO¹ elsewhere in the Borough. However, the evidence submitted by the Council explains the differences between both cases, including in terms of provision of private outdoor space and sets out why these cases are not comparable. Given such, there is no substantiated evidence it has acted inconsistently in its consideration of these applications. Therefore, having regard to North Wiltshire², I do not find that the Council has acted unreasonably.
 9. While I have reached a different conclusion to the Council regarding the siting of the refuse storage and its relationship with bedroom 1, this assessment is a matter of planning judgement. I am satisfied that adequate reasoning was provided to support the Council's concerns in relation to this matter. Given the site's constraints, it is not unreasonable for the Council to have taken the view that this matter could not successfully be addressed by planning condition. As such, I do not find that the Council was unreasonable in this regard.
 10. Whilst I appreciate that the applicant does not agree with the outcome of the application, the Council was not unreasonable in coming to its decision and there is no evidence to suggest that it has unreasonably prevented or delayed the development. Indeed, having considered the appeal on its own merits, I have concurred with the Council. It is not therefore the case that the appeal could have been avoided.
 11. It is normal to offer parties an opportunity to comment on conditions which may be imposed in the event of the appeal being allowed. As such, I am not persuaded that this has led the applicant to incur on any unnecessary expense.
 12. The applicant directs me to the Halton BC³ case law, which related to the award of costs at planning inquiries. In reaching my decision I have regard to this judgement, but only insofar as it is relevant to the case before me.

Conclusion

13. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

P Terceiro

INSPECTOR

¹ LPA Ref 25/00710/FUL

² North Wiltshire DC vs Secretary of State for the Environment [1992] 65 P&CR 137

³ R (Halton BC) v Secretary of State for Levelling Up, Housing & Communities [2024] EWHC 2030 (Admin)