
Costs Decision

Site visit made on 11 February 2026

by **E Everitt BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 February 2026

Costs application in relation to Appeal Ref: APP/C3620/D/25/3375935

5 Priors Mead, Great Bookham KT23 4DA

- 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 Derek Barham for a full award of costs against Mole Valley District Council.
 - The appeal was against the refusal of planning permission for demolition of existing single storey side, front and rear extensions; erection of part single, part double storey extensions; installation of Velux rooflights in front elevation of roof slope; alterations to front elevation.
-

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 principal arguments raised by the applicant are that the Council misapplied policy, did not substantiate the reason for refusing planning permission and failed to take into account comparable extensions in the surrounding area.
4. Paragraph 049 of the PPG states that examples of unreasonable behaviour by local planning authorities include failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
5. It is evident from the Officer Report that the Council has had regard to relevant development plan policies and supplementary guidance and that the decision-maker has made a planning judgement based on the specific details of the case and this policy and guidance.
6. Issues that relate to character and appearance often involve matters of judgement. Within the Officer Report, the Council has clearly identified the elements of the design which they consider harmful to the character of the area. Whilst I have not agreed with the Council's analysis in relation to the refusal reason, they nonetheless produced clear reasoning backed up by reference to current planning policies. Consequently, they were not unreasonable in coming to that decision.
7. Even though I have, ultimately, reached a different decision to the Council, there is nothing in the information before me to suggest that policies have been applied other than in accordance with the principles established in *Secretary of State for*

Communities and Local Government v West Berkshire District Council, Reading Borough Council [2016] EWCA Civ 441, including that the exercise of public discretionary power requires the decision-maker to bring his mind to bear on every case.

8. The applicant has drawn to my attention the *South Bucks District Council and another v Porter [2004] UKHL 33* judgement, which among other things states that the reasons for a decision must be intelligible and they must be adequate. While I have ultimately disagreed with the Council's findings, I am satisfied that the Officer Report provides a detailed explanation as to why the Council refused the proposal.
9. I have no substantive evidence before me to show the Council has not taken into account comparable extensions in the surrounding area or been inconsistent in its approach to decision-making on other comparable extensions that have the same site context as the appeal proposal. Each proposal must be considered on its own individual circumstances and while I appreciate that the outcome of the application will have been a disappointment to the applicant, the Council was not unreasonable in coming to that decision.
10. In response to the comments regarding inconsistencies within the costs application, the Council provided comments on the differences that, in its view, exist between the proposal and examples of extensions in the local area. It is clear to me that the additional details have been provided to respond to the points raised in the costs application. They do not fundamentally alter or contradict the reasons provided at application stage. Therefore, the Council's approach is consistent with the principles established in *Ermakov, R (on the application of) v Westminster City Council [1995] EWCA Civ 42*.
11. The applicant has drawn the *R (on the application of Moseley) v Haringey LBC [2014] UKSC 56* judgement to my attention in respect of procedural fairness. I have not been provided with full details of the case law. However, the Council was entitled to find harm on the basis of their assessment, notwithstanding the absence of objections from neighbours or statutory consultees, which in and of itself does not confirm that development would not be harmful.
12. Furthermore, given the nature of the harm identified by the Council relating to the scale and form of development, minor amendments and/or planning conditions would not have been capable of, in its view, making the proposal acceptable.
13. Moreover, as the Council has identified, the applicant opted not to engage in pre-application discussions which would have enabled feedback to be provided on the proposals. Taking account of the above, I am satisfied that the Council's approach to the application did not amount to procedural unfairness.

Conclusion

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

E Everitt

INSPECTOR