
Costs Decision

Site visit made on 13 January 2026

by **A James BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 MARCH 2026

Costs application in relation to Appeal Ref: APP/Z5630/W/25/3374848 96 & 96A Alexandra Drive, Surbiton KT5 9AG

- 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 Hari Jain of Jain Homes for a full award of costs against the Council of the Royal Borough of Kingston Upon Thames.
 - The appeal was against the refusal of planning permission for 'Proposed sub-division of existing 2 bed flat to form 1x 1-bed flat and 1 x studio flat.'
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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. There are a number of elements to the applicant's claim. The applicant submits that the Council acted unreasonably by delaying the determination of the application, that there was a change of case officer, affecting communication, and that additional information was not accepted. They also report being advised to consider withdrawing the application and that the reason for refusal was unsubstantiated.
4. It is evident that there was a considerable delay in the determination of the original application. This would no doubt have caused some uncertainty for the applicant. I have no doubt that the Council could have done more in this respect, particularly in its communications with the applicant. However, it is evident that the Council did keep the applicant informed during this time, with the Head of Development Management overseeing matters for continuity. Moreover, it is apparent that an extension of time had been agreed, instigated by the applicant, during the course of the application process. Despite the overall delays, which are far from ideal in providing a quality planning service, it does appear that the Council sought to work with the applicant. There is no evidence before me to demonstrate that an alternative outcome would have been reached, or an appeal avoided, had the application been determined within the statutory period.
5. The offer from the Council to the applicant to withdraw the application is not unusual where amendments are proposed during the course of the determination of an application, or where there is a recommendation for refusal. I have no substantive evidence before me to demonstrate this was in any way connected with the Council's staffing levels.

6. I am satisfied that the Council was within its rights not to accept amended plans during the determination of the appeal. Although it is clear that I have accepted some amended drawings as part of the appeal, as explained within the main decision, I cannot be sure precisely what amendments were submitted to the Council at the time. This matter was at the Council's discretion. I have also had sight of an email from the agent confirming acceptance of this position, albeit noting their disappointment.
7. The reason for the refusal set out in the decision notice is complete, precise, specific and relevant to the application. It also clearly states the policies of the local development plan with the proposal has conflicted with. This reason has been adequately substantiated by the Council in its Officer Report.
8. I have no reason to conclude that the Council, in providing their rebuttal to the applicant's costs claim, was unreasonable or otherwise led them to fail to act in a timely manner in respect of the appeal. Instead, they appear to have followed appropriate timescales.
9. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated and an award of costs is not warranted.

A James

INSPECTOR