



Costs Decision

Site visit made on 5 January 2026

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th March 2026

Costs application in relation to Appeal Ref: APP/R3650/W/25/3375498

1 Baynards Park, New Cottages, Horsham Road, Cranleigh, Surrey GU6 8EQ

- 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 Edward Charman for a full award of costs against Waverley Borough Council.
 - The appeal was against the refusal of the Council to grant planning permission for part demolition of existing end of terrace house and creation of new end of terrace house.
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Decision

1. The application for an 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. Paragraph 047 of the PPG indicates that local planning authorities will be at risk of a procedural award being made against them for reasons including lack of co-operation and failure to adhere to deadlines. Paragraph 049 of the PPG indicates that local planning authorities will be at risk of a substantive award being made against them for, amongst other things, vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. The applicant's claim is that the Council acted unreasonably by not reviewing all the documentation submitted at the time of the application (the Bat Survey) and, if it had done so, the appeal would not have been necessary. The applicant also claims the Council failed to discuss the application with them or give opportunity for clarification which could have addressed the Council's concerns in relation to the self-build dwelling.
5. The Council has acknowledged that the information relating to reason for refusal 2 was submitted at the time of the application and that had this been reviewed, reason for refusal 2 would not have been necessary. The Council contends this was an administrative oversight rather than unreasonable behaviour. It acknowledged this oversight early on in the appeal process and this was not the only reason for refusal, therefore this oversight did not directly lead to the applicant appealing the Council's decision. Whilst the Council's behaviour was not necessarily deliberate, it could have been avoided and thus I consider unreasonable behaviour has been demonstrated.

6. At the time of the application the Bat Survey was valid, however, the surveys were only valid for a year. At the time of the appeal an updated survey was provided which would not have been necessary if reason for refusal 2 was not listed as a reason for refusal, therefore the applicant has incurred additional cost in the form of providing an updated bat survey as a result of the appeal.
7. The Council assessment of the locational criteria of the proposal was based on an analysis of the individual site constraints and characteristics. Although reference to other appeals was made by the applicant, each case must be determined on its own merits. The Council has substantiated its reasoning and the fundamental accessibility constraints of the site had not altered since the refusal of the previous application on this site for the same type of development, therefore it is not unreasonable for the Council to come to the same conclusion.
8. Whilst the Council could have requested additional information in relation to self-build from the applicant, it is not obliged to do so and the applicant should be prepared for the Council to determine the application based on the information available at the time of submission of the application. The Council has advised that due to the fundamental conflict of the proposal with the locational criteria it did not consider it necessary to request clarification or additional information from the applicant on other matters as it would not have altered the outcome of the application. In this respect, I do not consider the Council to have acted unreasonably.
9. Whilst I have agreed with the Council in the overall outcome of the appeal, and have found it did not act unreasonably in respect of objectively assessing the application, determining applications in a consistent manner or liaising with the applicant, I have found its behaviour in respect of not adequately reviewing the submitted information constituted unreasonable behaviour which in turn caused the applicant unnecessary expense in the form of an updated bat survey.

Costs Order

10. 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 Waverley Borough Council shall pay to Mr Edward Charman, the costs of the appeal proceedings limited to those costs in relation to the cost of getting the bat survey and letter updated to confirm the report was still valid; such costs to be assessed in the Senior Courts Costs Office if not agreed.
11. The applicant is now invited to submit to Waverley Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

C Coles

INSPECTOR