



Costs Decision

Site visit made on 27 January 2026

by **A James BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9th April 2026

Costs application in relation to Appeal Ref: APP/Z3635/W/25/3375056

Terminal House, Station Approach, Shepperton, Surrey TW17 8AS

- 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 Lipa Fried for a full award of costs against Spelthorne Borough Council.
 - The appeal was against the refusal of planning permission for the development proposed is two-storey side extension to the commercial building as shown on drawing no's: E00; E01; E02; E03; E04; P00; P01 and P02 received 12 June 2025.
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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 it was unreasonable behaviour by the by members of the committee (council members) to go against officer recommendation without sound reasoning. The applicant submits that members failed to identify harm and misapplied policy and factually misunderstood the site. They indicate that there has been inconsistency and a lack of fairness by allowing similar development near the site. The applicant has submitted that the council members have not substantiated their reason for refusal and that all of the above has led to unnecessary expense of an appeal.
4. The council has presented several counter points to the applicant's allegations. These include the fact that council members are entitled to reach a different professional judgment from that of the professional officers and that the committee minutes also demonstrate that members considered the relevant provisions of the Local Development Plan and provided a clear rationale for refusal which has been defended in the council's statement of case. Taking these factors into account, the council maintains that the applicant has not shown that it acted unreasonably or caused the appellant to incur unnecessary costs.
5. I acknowledge the fact that the proposal was recommended for approval by professional officers of the council and that their recommendation was overturned by council members. Council members are not bound by those views and are entitled to take a different one, especially in a case which involves matters of planning judgement, as is the case here. It is ultimately the decision of the council

that I must have regard to as opposed to a recommendation from its officers. The reason has been set out in the decision notice is clear and has been defended by the council by the submission of their statement of case. This is also the case despite how considered or supported internally by other professionals that officer recommendation may have been, including the lack of objection from the Local Highway Authority, Environmental Health, Network Rail and the Tree Officer.

6. I have found reason for the refusal set out in the decision notice is precise and specific and relevant to the application. The council provided an appeal statement which adequately explained the reason for refusal and how members arrived at their decision. Therefore, they have not behaved unreasonably in this regard.
7. Each appeal must be decided on its individual circumstances and own merits. The application regarding building a of terminal house is situated across the railway line and has a different set of circumstances to that of the appeal site. Thus, I do not feel that council members demonstrated a lack of consistency or fairness by allowing the approved building A across the site. Therefore, they have not behaved unreasonably in this regard.
8. The applicant raised they have incurred costs by preparing the appeal. They have indicated that this involved creating additional documents for the appeal. The PPG is very clear that parties in planning appeals normally meet their own expenses. The time the applicant spent preparing for the appeal and producing supporting documents is part of the necessary course of the appeal process. Therefore, it has not been demonstrated that the applicant has incurred unreasonable costs through the appeal process.
9. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

A James

INSPECTOR