



Costs Decisions

Inquiry held on 24 and 25 March 2026

Site visit made on 25 March 2026

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH JP

an Inspector appointed by the Secretary of State

Decision date: 10 April 2026

Costs application in relation to Appeal A: Ref APP/Q3630/C/25/3375607 Redlands Farm, Lyne Lane, Virginia Water GU25 4ES

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr W Dowling (WVC Vehicle Solutions Ltd) for a full award of costs against Runnymede Borough Council.
 - The appeal was against an enforcement notice alleging without planning permission, the erection of a building used for storage purposes and the construction of facilitating hardstanding shown as the area edged and cross hatched red on the Plan attached to the notice.
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Costs application in relation to Appeal B: Ref APP/Q3630/W/25/3375606 Redlands Farm, Lyne Lane, Chertsey, Surrey GU25 4ES

- 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 WVC Vehicle Solutions Ltd for a full award of costs against Runnymede Borough Council.
 - The appeal was against the refusal of planning permission for agricultural storage building
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Decisions

1. The application for costs in relation to Appeal A is dismissed.
2. The application for costs in relation to Appeal B is allowed in the terms set out below.

Procedural Matter

3. 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.

Reasons

Appeal A

4. The Council suspected that the building erected on the appeal site, and against which they had refused permission, was not for agricultural storage purposes. Those suspicions were not without foundation and came largely from the findings of their agricultural consultant (Reading Agricultural Consultants – 'RAC') who concluded in essence that the building was too large and not required given the extent of agricultural activities being carried out on the land.

Accordingly, the Council issued the enforcement notice which - as I have set out in my Appeal Decision - can be readily interpreted as alleging the erection of a building for non-agricultural storage (together with 'facilitating' hardstanding).

5. There was nothing unreasonable or inadequate in the Council's enforcement investigation¹, nor in the issue of the notice - which put the allegation to the recipients and explained the reasons for its issue. The burden of proof as part of the appeal process was upon the appellant to demonstrate, as he did on the balance of probabilities, that the allegation was not factually correct. The successful ground b) outcome in that regard (partly due to the convincing live evidence at the Inquiry given under affirmation and testing) does not mean that the Council was unreasonable in its enforcement action or during the course of the enforcement appeal. I find that it was not.

Appeal B

6. One of the aims of the costs regime is to encourage local planning authorities to properly exercise their development management responsibilities and to rely only on reasons for refusal which stand up to scrutiny on the planning merits of the case. Local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals.
7. The appellant sought planning permission for an agricultural storage building. That is clear and explicit in the application. The Council validated that application and did not seek to amend the description. It then refused the development, still described in the Decision Notice as an agricultural storage building, for reasons connected to inappropriateness in the Green Belt. However, the reasons for refusal do not stand up to scrutiny on the planning merits of the case because (a) the Council has since accepted that the development plan policies it cited to refuse the proposal are not strictly relevant; and (b) the National Planning Policy Framework cited in the reasons is explicit at paragraph 154 a) that buildings for agriculture are not inappropriate development in the Green Belt, which is directly contrary to the central basis for refusal.
8. It seems to me that it would have been a more proper course of action, notwithstanding the Council's suspicions, to have assessed the actual proposal on the merits of the application that was made (rather than of an alternative development it suspected had occurred). A decision would then have been issued accordingly. Even had permission been granted for an agricultural storage building, it would have remained open to the Council to take enforcement action (if expedient) in order to remedy any breach of planning control that appeared to be occurring. That is to say, to allege that the storage building was not in fact used for agriculture - as suspected - as in Appeal A.
9. For these reasons, I find the Council's approach to refusing the application to be unreasonable behaviour. Presumably, as no other reasons than the flawed ones I have mentioned were provided, the Council would have otherwise granted permission. Consequently, no appeal would have been necessary. The applicant has been put to unnecessary expense in making an appeal.

¹ which included the diligent issue of a Planning Contravention Notice

10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that a full award of costs is justified in respect of Appeal B.

Costs Order

11. 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 Runnymede Borough Council shall pay to WVC Vehicle Solutions Ltd, the costs of the appeal proceedings in Appeal B described in the heading of that decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
12. The applicant is now invited to submit to Runnymede Borough Council, to whom a copy of these decisions has been sent, details of those costs with a view to reaching agreement as to the amount.

Andrew Walker

INSPECTOR