



Costs Decision

Inquiry held on 30 September 2025; 1 – 2 and 8 October 2025

Site visit made on 2 October 2025

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 May 2026

Costs application in relation to Appeal Ref: APP/L3625/W/24/3352163 Land opposite Gable Cottage, Chequers Lane, Walton on the Hill, Surrey, KT20 7QF

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Reigate and Banstead Borough Council for a full award of costs against Mr John James Frankham.
 - The inquiry was in connection with an appeal against the refusal of planning permission for the change of use from equestrian land to a caravan site, to provide 3 residential pitches to be occupied by Gypsy/Travellers.
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Decision

1. The application for an award of costs is refused.

Preliminary Matter

2. Whilst the inquiry closed on 8 October 2025, a written process followed that was agreed by the main parties. This only allowed the respondent to provide comments on the applicant's cost claim and then allowed the applicant to submit its rebuttal.

The submissions for Reigate and Banstead Borough Council ('the applicant')

3. The costs application was submitted in writing, and no additional points were made orally at the Inquiry. Additionally, the applicant made a rebuttal to the respondent's comments. The applicant is of the view that the appeal should not have been made, as there was no prospect of success on the basis of the case and evidence presented. Alternatively, a partial award of costs is claimed on the basis of the following:
 - a. The time spent by the Council's highway witness in producing a proof of evidence that was ultimately unnecessary and wasted as a result of the appellant's late highways evidence on visibility splays and internal access track;
 - b. The time spent by the Council's ecology witness in producing a proof of evidence that was ultimately unnecessary and wasted as a result of the respondent's late ecology and biodiversity evidence and provision of a LEMP;
 - c. Time spent addressing paragraph 154 f) of the National Planning Policy Framework, 2024 (the Framework) by the Council's witness in preparing his proof of evidence and at Inquiry;
 - d. The time spent addressing paragraph 155 b) of the Framework by the Council's planning witness in preparing his proof and at Inquiry; and,

- e. The time spent by Instructed Counsel in relation to the above.

The response by Mr John James Frankham ('the respondent')

4. The response was submitted in writing, and no additional points were made orally at the Inquiry. The respondent considers that an email exchange¹ between them and the applicant, clearly demonstrates that it was the applicant who set the course of action on how the application was to proceed. The respondent highlights a section of text within an email dated 15 March 2024 that states: 'My preference would be to proceed as currently submitted and any technical issues could be addressed through the appeal process (if appeal submitted)'.
5. The respondent considers that it is incumbent all parties involved in the appeals process to focus on the main issues and avoid unnecessary delays and work to narrow the areas of disagreement. The respondent has continuously and tirelessly worked on the appeal from start to finish in an attempt to try and narrow the areas of disagreement. The respondent is also of the view that the Council have also engaged in the same approach.
6. The respondent engaged in the process preferred by the Council in good faith, seeking throughout the appeal process to narrow the matters of disagreement, succeeding on a number of points and thus reducing the allocated days at appeal and reducing costs, the opposite to increasing costs and wasting money as suggested, despite incurring significant costs themselves to deal with the preferred route of the Council in this matter.

Reasons

7. 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.
8. As highlighted by the applicant, the PPG provides examples of what an award of costs could include, such as, how time spent by local authority staff or others in preparing for an appeal and /or attending the appeal event². Additionally, an example in a procedural context could include, introducing fresh and substantial evidence at a late stage³, and in a substantive context, providing inadequate supporting evidence in relation to an appeal⁴.
9. With reference to evidence in relation to highways and ecology, it is obvious that the work undertaken to address the reasons for refusal (RfR) on the Council's decision notice did not go as smoothly as envisaged. Nonetheless, not dealing with technical matters during the course of the planning application was advocated by the applicant. It was also acknowledged during the Case Management Conference held on 18 March 2025 that the main parties would provide updates on matters that no longer remain in dispute.
10. Whilst I have sympathy for the applicant with regard to the timing of this work being undertaken, and any overlap in preparation of evidence for the Inquiry, this only occurred through trying to address RfRs through the appeal process and trying to

¹ 15 March 2024

² 16-032-20140306

³ 16-052-20140306

⁴ 16-053-20140306

cover other eventualities, should the parties have been unable to resolve the disputes, therefore, requiring proofs of evidence for the Inquiry. Whilst such documents may not have been required in the end, the work carried out to address any concerns in relation to highways and ecology, reduced Inquiry time for both the main parties.

11. It will be seen from my decision that I disagree with the respondent with regards to the effect of the proposal on character and appearance, the Area of Great Landscape Value and Policy NHE1 of Reigate and Banstead Local Plan Development Management Plan 2019. That being said, I consider that the respondent did substantiate their alternate position at the inquiry. With regards to trees, whilst the respondent changed their position during the appeal, it became evident during cross examination of the Council's Tree Officer that some concerns could be addressed through the imposition of a condition, particularly in the case of T35 and G10. However, whilst a similar approach was suggested for T36, for the reasons outlined in my decision, I was not convinced that a similar approach would have been possible for this tree. Nonetheless, this itself does not amount to unreasonable behaviour.
12. With regards to paragraph 154 f) of the Framework, whilst I have not accepted the view of the respondent towards affordable housing in my decision, I consider that the respondent did argue their position adequately at the Inquiry. In relation to paragraph 155 b) of the Framework, it will be seen from my decision that I have disagreed with the applicant on this matter and concluded that there is an unmet need for the type of development proposed. I acknowledge the applicant sought to redress its position on the matter of need during closings, but after everything I have seen and read, I still consider that an unmet need exists within the Borough.
13. Due to the factors above, I do not consider the time spent by Instructed Counsel to be unnecessary, given the appeal procedure was agreed by the main parties. In this instance, whilst I have dismissed the appeal, there are matters where I do not agree with the applicant. Consequently, an appeal would still have been necessary. The applicant also references the length and format of the respondent's comments to this claim and to the comments reminding me that I also have the power to initiate an award of costs, but these matters also fall short of unreasonable behaviour.

Conclusion

14. I consider the expenses incurred in preparing for and attending the inquiry were reasonably expected and necessary. Consequently, I find no substantive nor procedural grounds for an award of costs (full or partial). I therefore find that unreasonable behaviour as claimed, resulting in unnecessary or wasted expense as described in the PPG, has not been demonstrated.
15. For the reasons given above, I conclude that an award of costs is not justified.

W Johnson

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Alan Masters, Counsel
He called:

Instructed by Tony White

Tony White, Agent

White Planning and Enforcement

Rhodri Crandon

Tirlun Design Associates (TDA)

John Frankham

Appellant

Clifford Ingram

Father of 2no. proposed occupiers

FOR THE LOCAL PLANNING AUTHORITY:

Scott Stemp KC, Counsel
He called:

Instructed by Reigate and Banstead
Borough Council

Michael Parker

Principal Planning Officer, Reigate and
Banstead Borough Council

Guy Stephens

Tree Officer, Reigate and Banstead
Borough Council

INTERESTED PARTIES:

Gillian Hein

Vice Chair, Tadworth and Walton
Residents Association

Robert Lee

Trustee Chairman, Tadworth and
Walton Preservation Society

Anne Edwards

Professor Emerita, University of Oxford
Department of Education

INQUIRY DOCUMENTS

- ID.1 – Factual Note from LPA
- ID.2 - APP/L3625/C/24/3345298 - Land at Saxon House, Haroldslea Drive, Horley, Surrey RH6 9PH
- ID.3 – PINS 5 Year Supply
- ID.4 – LPA Opening
- ID.5 – LPA Costs Application
- ID.6 – TWRA Highways
- ID.7 – Ecology
- ID.8 – TWRA Previously Developed Land and Green Belt
- ID.9 – TWRA – Landscape
- ID.10 – Very Special Circumstances
- ID.11 – Walton and Tadworth Preservation Society
- ID.12 – Anne Edwards Letter
- ID.13 - Caravan Count
- ID.14 – Mr Ingram Statement
- ID.15 – Google Earth Image
- ID.16 – Aerial Image of Peeks Brook Lane
- ID.17 – TWRA Comments on Conditions
- ID.18 – LPA cover email to PINS conditions
- ID.19 – Appellant cover email to PINS conditions
- ID.20 – Updated draft conditions with appellant comments 6 October 2025
- ID.21 - Updated clean version of conditions schedule 6 October 2025
- ID.22 - Appellant closing submissions
- ID.23 – LPA Closing submissions
- ID.24 – Appellant suggested Site Development Scheme Wording Condition
- ID.25 – Appellant acknowledgment of pre-commencement conditions
- ID.26 – Appellant costs response
- ID.27 - LPA final comments on costs application