



Costs Decision

Inquiry held on 14-16, 21-22, 28 and 30 July 2026

Site visits made on 13, 16 and 29 July 2026

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2026

Costs application in relation to Appeal Ref: APP/M3645/C/26/3378115

Land at Whyteleafe House, 439-445 Godstone Road, Whyteleafe CR3 0BL

- The application is made under the Town and Country Planning Act 1990 (as amended) (the Act), sections 174, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Tandridge District Council for a partial award of costs against Vilmex Limited.
 - The inquiry was in connection with an appeal against an enforcement notice alleging: Without planning permission, the erection of a building comprising 167 flats including associated car parking, landscaping, communal, office, storage and leisure facilities.
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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 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. The costs application and responses were made in writing and are therefore matters of public record. I will not rehearse the full submissions made by the parties.
4. The appellant's grounds of appeal and statement of case set out their main appeal arguments in detail. This was supplemented by detailed proofs of evidence and rebuttal proofs of evidence. Their case has not significantly evolved as the appeal has progressed and it is wrong to describe the submission of their appeal documents, in accordance with the appeal timetable, as a drip feed of information. I see nothing out of the ordinary in the way that the appellant has gone about the submission of arguments in support of its case, which the Council was given sufficient opportunities to respond to.
5. The Council raised the possibility of flood risk concerns in its Statement of Case and the appellant responded with details of the surface water drainage scheme installed in accordance with the appeal timetable. Given that the podium which formed part of the previously approved surface water drainage scheme had not been installed, it should have been clear from the Planning Contravention Notice (PCN) response that a different surface water drainage scheme to that approved had been installed. Any claimed failure to respond fully or accurately to the PCN some 10 months prior to the enforcement notice being issued did not constitute unreasonable behaviour leading to the Council to incur unnecessary or wasted expense in the appeal process. There are separate provisions at section 171D of

the Act which deal with any alleged non-compliance with a PCN, and I find no evidence of the appellant intentionally withholding information in the appeal process.

6. The very nature of enforcement notice appeals, where development has already been carried out, means there is often no need for plans of the existing development to be submitted. The appellant was not obliged to provide detailed plans of the existing development, let alone plans in a particular format or to a specific scale with scale bars.
7. It is the responsibility of the local planning authority to carry out sufficient investigations prior to issuing an enforcement notice, relying on the extensive powers set out within the Act, to defend the stated reasons for issuing the notice at any appeal. Although the information provided by the appellant in support of its appeal needed to be sufficiently clear and reliable for their case to be understood, the absence of detail, a particular electronic format or scale bar on any plans did not amount to unreasonable behaviour in the appeal process.
8. The appellant provided plans of the existing development as part of its Statement of Case. It later notified the Council that the 3-bedroom flats had not been labelled correctly on those plans and that 'very minor changes' to a floor plan had been discovered following ongoing surveys, and an updated set of plans was provided. The amendments made to those plans were minor and the submission of the initial plans with its Statement of Case and the updated plans did not constitute unreasonable behaviour. In any case, it has not been shown that the corrections made by the appellant, rather than work which would in any event have been required to defend the appeal, caused unnecessary or wasted expense in the appeal process.
9. I therefore find no unreasonable behaviour on the part of the appellant which has led to the Council incurring unnecessary or wasted expense in the appeal process and an award of costs is not warranted.

L Douglas

INSPECTOR