

Costs Decision

Site visit made on 27 September 2016

by Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 October 2016

Costs application in relation to Appeal Ref: APP/M3645/W/16/3152934 Kingswood Farm, Tandridge Lane, Lingfield RH7 6LP

- 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 J Young for a full award of costs against Tandridge District Council.
 - The appeal was made against the refusal of planning permission for a hardstanding to support agricultural use.
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Decision

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

Reasons

2. In paragraph 30 of the Planning Practice Guidance (PPG) concerning appeals it is advised that costs may be awarded where a party has behaved unreasonably and this has directly caused another party to incur unnecessary or wasted expense in the appeal process.
 3. It was legitimate for the Council to have regard to the initial use of the hardstanding in connection with industrial uses, as this casts at least some doubt on the claim that it was constructed in order to meet agricultural need. The Council is criticised for not consulting its agricultural advisor. However, it is for the Applicant to put forward the case for agricultural need and this does not preclude consideration of the matter. Although somewhat briefly considered in the report on the application the Council has had regard to this issue.
 4. Concern is also expressed that the Council did not consider that part of the National Planning Policy Framework, which is concerned with supporting the rural economy. However, there is no detailed evidence of any significant economic benefit in the Planning Statement that the Council could respond to but merely a reference to the relevant part of the Framework.
 5. In any event, this is a case where the appeal was dismissed because of the adverse effect on the Green Belt despite the evidence put forward by the Appellant on these matters. I found that the case in relation to agricultural need and other matters was insufficient to outweigh the impact on the Green Belt. As a result this is not a development that should clearly have been permitted having regard to national policy, the development plan and other material considerations, so that Paragraph 49 of the PPG does not apply in this instance.
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6. For the above reasons, it is concluded that unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has not been demonstrated and a full award of costs is not justified.

M Evans

INSPECTOR