
Costs Decision

Site visit made on 4 January 2017

by J C Clarke BSc(Hons) BTP MRTPI

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

Decision date: 31 January 2017

Costs application in relation to Appeal Ref: APP/L3625/W/16/3160204 Brockmere, 43 Wray Park Road, Reigate RH2 0EG

- 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 Stackbourne Ltd for a full award of costs against Reigate & Banstead Borough Council.
 - The appeal was against the refusal of planning permission for Extension and refurbishment of Brockmere for use as six apartments, demolition of the existing garage and erection of a Coach House dwelling to the rear of the property; provision of a revised access and parking areas within the site.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that, where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.
3. The PPG¹ advises that an award of costs against a local planning authority may be procedural, relating to the appeal process, or substantive, relating to the planning merits of the appeal. Examples of substantive unreasonable behaviour referred to in the PPG include: failing to produce evidence to substantiate each reason for refusal on appeal; and preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
4. In appeal decision APP/L3625/A/14/2214550, the Inspector indicated that he saw no objection in principle to the provision of a new coach house dwelling '...towards the rear of the site...'. The new building which is now proposed would be in such a location. However, coach houses can be of a wide variety of sizes and designs and the previous Inspector's decision did not indicate that any specific proposal, including that which is subject to the current appeal, would be acceptable.
5. In my decision I have allowed the appeal. However, I also acknowledge that a key consideration in the previous Inspector's decision was the degree to which

¹ Paragraph: 046 Reference ID: 16-046-20140306

the new 'coach house' would be subservient to the existing building. The current proposal, whilst materially more subservient than that subject to the earlier appeal, would still be a 2 storey dwelling. My conclusion that the proposal would be sufficiently subservient to the existing building, and thereby address the concerns of the previous Inspector, is based on a matter of judgement. It is not unreasonable to hold a different view, particularly given the precautionary approach to the protection of heritage assets which is set out in relevant legislation and national and local policy referred to in my appeal decision.

6. The Inspector's indication of support in principle for a coach house dwelling in the above decision also contained the words '...particularly if this provides enabling development to facilitate the retention and refurbishment of the main building'. Whilst the currently proposed 'coach house' dwelling may do this, there is no substantive evidence before me, for example relating to development costs or viability, to show that the main building could not be refurbished without the new building being built.
7. The Appellant has shown that he undertook extensive engagement with Council officers before submitting the application subject to appeal, following which the officers recommended approval of the scheme to the relevant Committee. However, the Committee Members were not obliged to follow the advice of the officers. The submitted details also do not convince me that the Committee's decision was not based on an informed assessment of the merits of the proposal.
8. The Council has not provided any historic evidence to demonstrate the style of coach house which may be expected within the grounds of a Victorian house. However, given the wide variety of forms which such coach houses are likely to have taken, and the need to take site specific circumstances into account, such evidence would not be conclusive in any event.
9. Having regard to all these factors and the advice in the PPG, I do not consider that the Council behaved unreasonably in refusing permission.
10. The application for an award of costs is therefore refused.

Jonathan Clarke

INSPECTOR