
Costs Decision

Site visit made on 2 May 2017

by Richard Aston BSc (Hons) DipTP MRTPI

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

Decision date: 24th May 2017

Costs application in relation to Appeal Ref: APP/M3645/W/16/3165440 5 Little Coppice, Sylvan Close, Limpsfield RH8 0DX

- 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 Matthew Stevens (c/o Country House Homes Ltd) for a full award of costs against Tandridge District Council.
 - The appeal was against the refusal of planning permission for construction of a new dwelling, garage, driveway and crossover to the highway.
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Decision

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

Reasons

2. Planning Policy Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The Council's reasons for refusal set out in the decision notice are complete, specific and relevant to the application. They also clearly state the policies of the development plan that the proposal would conflict with, which are in accordance with the most up-to-date national policy.
4. Although the appellant sought to address the Council's concerns by amending the proposal following the refusal of an earlier one, this was entirely the appellant's choice. Whilst I appreciate that the appellant does not agree with the Council's consideration of the development or opinions relating to the effect of the proposal, the issues at the heart of the appeal are inherently matters of planning judgement. Although I have reached a different view, given their conclusions, which I am satisfied were properly reached, an appeal was inevitable.
5. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason an award for costs is not justified.

Richard Aston

INSPECTOR
