



Costs Decision

Site visit made on 28 August 2019

by R Lankshear BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2019

Costs application in relation to Appeal Ref: APP/C3620/W/19/3230769 Land adjacent to Silverdale, Epsom Road, Ashstead KT21 1JX

- 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 Aaron France for a full award of costs against Mole Valley District Council.
 - The appeal was against the refusal of planning permission for the erection of a new detached dwelling.
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Decision

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

Reasons

2. 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 appellant's principal concerns relate to the Council preventing or delaying development that should have been permitted; vague, generalised and inaccurate assertions about the proposals impact and not considering similar cases in a consistent manner. Concern is also raised with regard to a lack of cooperation and a suggestion that the Council implied that the application would be approved.
4. Whilst I note the appellants concerns, I consider that the decision was appropriately reached on the basis of the planning merits of the proposal as submitted. The Council's refusal notice states which policies have been considered and are relevant and is adequately supported by the analysis provided within the accompanying officer report. This analysis includes why the proposal would result in an unacceptable effect upon the character and appearance of the area and would not provide suitable outdoor space for future occupiers.
5. The appellant has indicated that the Council have been inconsistent in approving other similar proposals on an adjoining site. Limited details of this development / planning application have been provided and as such I have not been able to fully assess its relevance. Nevertheless, from the details that are before me, it appears that the constraints and position of the site alluded to by the appellant are somewhat different to the appeal site and, in any event, each case must be assessed on its individual planning merits. On the evidence that

is before me, I do not consider that the Council has been inconsistent in decision making terms or that they have acted unreasonably in this regard.

6. Details of correspondence between the parties has also been provided. I note that the Council sought additional information from the appellant including details to better understand its relationship to existing and consented development. In itself, I do not consider that the request for such information was unreasonable or that this necessarily meant that there would be further dialogue on design matters. Whilst I understand the appellants frustration as a result of any delay this may have caused, I do not consider that the Council have behaved unreasonably during the course of the application, nor that there is any substantive evidence that any delay resulted in the appellant incurring any unreasonable additional costs.
7. I do not consider that the information submitted as part of this costs application demonstrates a lack of co-operation on the part of the Council, nor does it suggest that the Council were minded to approve the application as suggested by the appellant. Whilst I note the appellant's concerns, I consider that the Council's decision to refuse planning permission has been reasonably substantiated. Furthermore, the Council did acknowledge an error in its refusal notice at an early stage and consequently any additional work or expense relating to this matter has been de minimis.

Conclusion

8. For the reasons outlined above, I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has not been demonstrated. Consequently, an award of costs is not justified.

Robert Lankshear

INSPECTOR