
Costs Decision

Site visit made on 28 January 2020

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 March 2020

Costs application in relation to Appeal Ref: APP/C3620/D/19/3240078 Greenleigh, Patchesham Park, Leatherhead KT22 0DJ

- 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 V Gorbachev for a full award of costs against Mole Valley District Council.
 - The appeal was against the refusal of planning permission for development described as the 'erection of a Banya (sauna) for personal use'.
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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 where a party has behaved unreasonably, and that unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The applicant claims that the Council behaved unreasonably by refusing the planning application despite acknowledging that the proposal complied with Policy RUD9 of the Mole Valley Local Plan – Adopted 12 October 2000. They state that no other material consideration warranted the refusal of planning permission.
4. However, in my Appeal Decision I have agreed with the Council's approach. The appeal site is located within the Green Belt and therefore Policy CS1 of the Mole Valley Local Development Framework Core Strategy – Adopted October 2009 is material. This sets out that development will be considered in light of the provisions of PPG2 'Green Belts'. However, PPG2 has been superseded by the National Planning Policy Framework and this therefore forms the main policy consideration. Furthermore, I have found conflict with the relevant local and national policy on Green Belts and no very special circumstances to justify the development.
5. Therefore, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

James Taylor

INSPECTOR