
Costs Decisions

Site visit made on 16 June 2020

by N Thomas MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2020

Costs application in relation to Appeal Ref: APP/M3645/C/20/3246556

Land at 61 Lagham Park, South Godstone, Surrey RH9 8EP

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr C White for a full award of costs against Tandridge District Council.
 - The appeal was against an enforcement notice alleging without planning permission the erection of a dormer roof extension to the rear of the property.
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Costs application in relation to Appeal Ref: APP/M3645/D/19/3243117

61 Lagham Park, South Godstone, Surrey RH9 8EP

- 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 C White for a full award of costs against Tandridge District Council.
 - The appeal was against the refusal of planning permission for a loft conversion incorporating raised ridge, rear dormer and front velux windows.
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Decision

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

Reasons

2. An application for an award of costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense. Paragraph 049¹ of the National Planning Practice Guidance (NPPG) gives examples of unreasonable behaviour by local planning authorities that may give rise to a substantive award of costs include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, and not determining similar cases in a consistent manner.
3. Paragraph 50² of the NPPG advises that where a local planning authority has exercised its duty to determine planning applications in a reasonable manner, it should not be liable for an award of costs.
4. The appellant's claim is based on the Planning Officer's report which states that the planning application does not conflict with development plan policies in

¹ Paragraph: 049 Reference ID: 16-049-20140306 Revision date: 06 03 2014

² Paragraph: 050 Reference ID: 16-050-20140306 Revision date: 06 03 2014

relation to the impact on the residential amenity of neighbouring occupiers, whereas the reason for refusal cites a conflict with the same policies. However, the reason for refusal and the reason for issuing the enforcement notice relate to the impact on the character and appearance of the site and surrounding area. The Council clearly identified the policies that the proposal conflicts with, and has substantiated its reason for refusal in its Planning Officer's report and appeal submissions. The Council had regard to a permitted development 'fallback' but points out that this has not been established through a certificate of lawfulness. I have seen no detailed examples of directly comparable extensions in the immediate vicinity or that the Council has determined similar developments in an inconsistent manner.

5. Irrespective of the outcome of the appeals, I do not consider that the Council failed to properly evaluate the application in relation to the development plan and other material considerations, and therefore the appeals could not have been avoided. That I have reached a different conclusion is a matter of planning judgement. I have found that the Council had reasonable concerns about the impact of the proposed development and has substantiated them and therefore has not behaved in a way that unnecessarily prevented or delayed development.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

N Thomas

INSPECTOR