
Costs Decision

Site visit made on 2 June 2020

by M Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd July 2020

Costs application in relation to Appeal Ref: APP/C3620/W/20/3247356 4 Mole Road, Fetcham KT22 9RN

- 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 & Mrs Koper for a full award of costs against Mole Valley District Council.
 - The appeal was against the refusal of planning permission for erection of two semidetached 3 bedroom dwellings with associated parking and external works following demolition of the existing bungalow.
-

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 applicant claims that the Council made vague, generalised and inaccurate assertions which are unsupported by any objective analysis in finding that the appeal site is restricted and the proposed development would be cramped. In addition, the applicant claims that the Council did not give appropriate weight to paragraph 11 of the National Planning Policy Framework (the Framework), which clearly indicates that the development should have been permitted.
4. The Planning Practice Guidance indicates that local planning authorities will be at risk of an award of costs being made against them if they fail to substantiate the reasons for refusing a planning application.
5. The Council explains in its officer's report that it considers the site to be restricted in terms of the size of the plot. The Council analyses the character of Mole Road, including the widths and the spaces between dwellings, and draws comparisons with the proposal, in reaching its view that the development would be cramped. This analysis is supported by references to relevant local and national policies and guidance. It also has regard to the appeal decisions that were highlighted by the applicant in determining that the development would be unacceptable. I therefore find that the Council has adequately substantiated its reason for refusal and thus it has not behaved unreasonably in this respect.
6. Although the Council does not explicitly conclude that the application is unacceptable with reference to paragraph 11 of the Framework, it nonetheless

recognises that the paragraph is engaged. The officer's report undertakes a fair assessment of the proposal's benefits. It then finds that the proposal would be harmful to the character and appearance of the area and contrary to the development plan and the Framework as a result.

7. I am therefore satisfied that the Council followed the requirements of paragraph 11 and was able to reasonably determine that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. While it is clear from the accompanying appeal decision that I do not agree with the Council's decision on this matter it is a matter of planning judgement and I am satisfied that the Council did not exercise its judgement in an unreasonable manner.
8. In conclusion, I do not agree that the Council has acted unreasonably. Thus there can be no question that the applicant has been put to unnecessary or wasted expense.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Mark Philpott

INSPECTOR