



Costs Decision

Site visit made on 6 April 2021 by Thomas Courtney BA(Hons) MA

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2021

Costs application in relation to Appeal Ref: APP/M3645/D/20/3261404 Fidlers Cottage, Lower South Park, South Godstone, RH9 8LF

- 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 Hinson for a full award of costs against Tandridge District Council.
 - The appeal was against the refusal to grant approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5.89 metres, for which the maximum height would be 2.5 metres, and for which the height of the eaves would be 2.5 metres.
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Decision

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

Reasons

2. The Planning Practice Guidance advises that, irrespective of the outcome of the appeal, 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. It goes on to state that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example by failing to produce evidence to substantiate the refusal of the application, or making vague, generalised or inaccurate assertions unsupported by any objective analysis.
4. The applicant states that the Council failed to reason the refusal to grant approval adequately and that their decision does not comply with the guidance contained within the 'Technical Guidance: Permitted development for Householders' (TG) document. The appellants also assert the Council unreasonably based their view on the Lawful Development Certificate (LDC) issued in 2007, arguing the LDC contains the interchanging of the words "rear" and "side".
5. I have carefully considered the Council's submissions in this regard but as set out in the Decision Letter, I do not find the assessment and classification of the proposed development to ultimately be unreasonable. I accept that there has not been an explicit reference made within the reasoning to the Government's Technical Guidance: Permitted Development for Householders, September 2019 (TG). However, whilst this document amounts to guidance only, I find it improbable given the Council's specific reference to the term '*main architectural features*' as clearly highlighted within the applicant's submissions

as incorporated within page 7 of the TG, that the document has not formed part of the Council's decision-making in this instance.

6. I have not found the Council's substantiation of their conclusion to be unreasonable, or additionally that in this instance their decision was based on an assessment of the architectural constitution of the dwelling. Furthermore, it was also not erroneous to inform their decision on the LDC issued in 2007 which established within the title of the certificate that the western elevation is the rear of the property.
7. Being mindful of my own conclusions in the appeal decision, even if the absence of a direct assessment of the other indicative elements as set out in the TG by the applicant could be deemed to amount to unreasonable behaviour, an award of costs must also be dependent on there being unnecessary or wasted expense. However, given the overall conclusion that the Council were not unreasonable in coming to their decision, the expense of the appeal would have had to have been borne by the applicant in any event.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Consequently, the application for an award of costs is refused.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

9. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the application is refused.

Martin Seaton

INSPECTOR