



Costs Decision

Site visit made on 9 June 2021

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2021

Costs application in relation to Appeal Ref: APP/M3645/W/20/3265706 Hare and Hounds Kennels, Lingfield Common Road, Lingfield RH7 6BZ

- 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 Henley Finance Ltd for a full award of costs against Tandridge District Council.
 - The appeal was against the refusal of planning permission for planning permission for demolition of existing restaurant and erection of one dwelling without complying with a condition attached to planning permission Ref TA/2018/1085, dated 14 August 2018
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Decision

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

Reasons

2. An award of costs may be allowed where it is found that a party behaves unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The Appellant's case is that the Council have prevented development which should clearly be permitted, has not produced evidence to substantiate its reasons for refusal, and has made vague or inaccurate assertions about a proposal's impact unsupported by an objective analysis contrary to officer recommendation. With particular reference to the size of the proposed dwelling and the application of the SPG. Furthermore, it has not determined cases in a consistent manner.
4. The Council's statement explains its assessment of the size of the proposed development. Whilst there is a difference of opinion between the parties as to what should be considered, including the terrace and flood voids, the Council's position is clear. It is similarly clear that the Council's objection is to the appearance of the elevation facing the road. This has changed significantly from the approved scheme to a secondary, side elevation. Therefore, the refusal of the application is not inconsistent with the previous approval at this site.
5. The appeal statement puts forward a site specific appraisal of the character and appearance of the area. It is acknowledged that the site does not fall within the Lingfield Village Design Statement (SPG) area although the SPG is mentioned as guidance, including in the decision notice. However, the application was also assessed and refused on the basis of Policy CSP 18 of the Tandridge District Core Strategy October 2008 and DP7 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2029 July 2014. As such the reference to the SPG has

not dictated the refusal of the application and consequently the need for this appeal. As such, unreasonable behaviour which has led to wasted expense in the appeal process has not been demonstrated.

6. Whilst it can be seen in my main decision that I come to a different conclusion to the Council, I am satisfied that its reasons for refusal are supported by an objective analysis and substantiated at appeal. Therefore, I do not find that this development should clearly be permitted.
7. Consequently, for the reasons set out above, unreasonable behaviour resulting in unnecessary or wasted expense during the appeal process has not been demonstrated.
8. For this reason, neither a full or partial award for costs is justified.

H Miles

INSPECTOR