



Costs Decision

Site visit made on 26 October 2021

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2021

Costs application in relation to Appeal Ref: APP/C3620/W/21/3269468 Heli, Guildford Road, Fetcham KT22 9DP

- 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 Mrs Al-Khudhairi for a full award of costs against Mole Valley District Council.
 - The appeal was against the refusal of planning permission for the erection of a two storey house with detached garage.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) 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 appellant claims that the Council Officers did not visit the site before reaching a decision, which is argued to be unreasonable behaviour that resulted in an unnecessary appeal and thus costs being incurred.
4. At the time the application was submitted and being considered by the Council, the Covid-19 pandemic meant the country was subject to certain restrictions and working from home was encouraged. Thus, I understand that it was not always possible for Officers to safely undertake site visits.
5. Reliance upon information, including photographs provided by applicants, was therefore a widely adopted approach in lieu of a site visit. It has not been suggested that any local procedures that were in force at the time governing alternatives to site visits, were not followed for this particular planning application.
6. In itself, and in the light of the foregoing, the absence of a site visit is not demonstrative of unreasonable behaviour, but rather a practical adaptation to unforeseen circumstances. It is evident from the information associated with the application that officers had local knowledge of the site and of its surroundings, in addition to the photographs and documents submitted. The decision was also informed by information provided by the Highway Authority and the County Archaeological Officer. This advice would not necessarily have relied upon either the consultee or the planning officer visiting the site.

7. Moreover, the Council's position at appeal is supported by accurate observations of the site and its surroundings, related to relevant elements of the development plan and national policy. The appellant's disagreement with the Council effectively amounts to a difference of opinion regarding the merits of the scheme. Inherent in my dismissing the appeal is that I cannot logically reason that the absence of a site visit prejudiced the appellant in terms of the merits of the scheme.
8. Whilst I have not found any evidence to suggest that the proposal would affect protected species, I note that the applicant did not subsequently produce any survey information or evidence to rebut this point. Policy CS15 of the Core Strategy¹ calls for appropriate information in respect of biodiversity, and the onus is principally on the applicant/appellant to justify their case (including in the light of local policy and information requirements).
9. Having regard to the nature of the proposal, the policy context, the responses of key consultees, and with regard to my decision, there is no real substance in the claim that a site visit from the Council would have resulted in their arriving at a different view (thereby nullifying appeal proceedings).
10. Given the above, I find that unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has not been demonstrated and that an award of costs is not justified in this case.

Stewart Glassar

INSPECTOR

¹ Mole Valley Local Development Framework Core Strategy DPD (2009)