
Costs Decision

Site visit made on 22 November 2021

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10th December 2021

Costs application in relation to Appeal Ref: APP/M3645/W/20/3265153 Coulston Lodge, Coulston Road, Caterham, Surrey CR3 5YA

- 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 Look Ahead Developments Ltd for a full award of costs against Tandridge District Council.
 - The appeal was against the refusal of planning permission for the construction of 8 supported housing units and 5 market houses following demolition of the existing built form.
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Decision

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

Preliminary Matters

2. The appellant submitted an application for costs in writing. The Council were given an extended time period for submission of a statement to rebut the application for costs but failed to submit any such statement.

Reasons

3. The national Planning Practice Guidance (PPG) states that parties will normally be expected to meet their own costs in relation to appeals and costs may only 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.
4. The Council's officers recommended to the Committee that planning permission should be granted, subject to various conditions. One of the issues addressed within the Committee report was the effects of the proposed access. Representations were received from the County Council as Highways Authority, who ultimately raised no objection and recommended a suitable condition. The appellant had also submitted their own specialist submissions.
5. It does not appear that the Committee had any expert evidence which contradicted the evidence that I have referred to. The reason for refusing the application refers to prejudicial effects on safety and amenity. However, the submitted statement of the Council adds very little to this and does not seek to counter the appellants expert technical submissions. The Council's presented case amounts to extremely vague and generalised assertions backed by no evidence of any weight. Even when presented with the appellant's detailed

evidence the Council has not sought to engage in any way with the details that have been submitted.

6. In my view, any proper and rigorous analysis of the proposal would have concluded that planning permission should be granted and the case offered by the Council is vague and frail, lacking any substance.
7. The appellant has been unnecessarily put through the appeal process and has had to expend resources and finance which should not have been necessary. The Council has delayed development which should have clearly been granted.
8. The appellant has also raised other detailed matters but as I have determined that a full award of costs is justified, these could only add to the reasons and need not specifically be considered. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a full award of costs is justified.

Costs Order

9. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Tandridge District Council shall pay to Look Ahead Developments Ltd, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
10. The applicant is now invited to submit to Uttlesford District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

T Wood

INSPECTOR