



Costs Decision

Site visit made on 21 February 2024

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2024

**Costs application in relation to Appeal Ref: APP/R3650/W/23/3326981
Sedgehurst, Tickners Heath, Dunsfold Road, Alfold, Cranleigh, Surrey
GU6 8HU**

- 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 David Cockbill for a partial award of costs against Waverley Borough Council.
 - The appeal was against the refusal of planning permission for the erection of 1 no. dwelling following demolition of existing non-agricultural buildings; revised application further to WA/2022/02267.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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 applicant seeks a partial award of costs covering certain substantive aspects of the appeal. There is little exposition within the claim itself as to the Council's behaviour although highlighted extracts from the PPG, case law and a former appeal decision are offered in support. Based on the applicant's submissions as a whole I have taken the basis of the claim to be that the Council did not back up its first two reasons for refusal; and did not engage with the applicant in relation to them.
4. The applicant's specific concerns in relation to these reasons for refusal (which I have addressed in my main decision under the heading *Character and Appearance*) appear to be that they were also used in a previous appeal on an adjacent piece of land. However, it is suggested that the revised siting of the current appeal overcame these concerns. Thus, the applicant considers it unreasonable that the Council has continued to persist with the same objections.
5. It is clear from the Officer Report (OR) that the Council were aware of the new siting and that the existing buildings on site and the sand school were to be removed as part of the proposal. Indeed, the OR goes on to note that there would be an overall reduction in building footprint but concludes that the new building and new residential curtilage would be more harmful to the character and appearance of the area than the existing situation. In the Council's opinion this was considered to be harmful to the intrinsic beauty of the countryside and

the Area of Great Landscape Value. The OR also notes that the result would be visible from various vantage points, including Bridleway 417a.

6. Whilst it seems to me that the extent of possible views of the dwelling from the Bridleway are less severe than set out in the OR, the case officer viewed the site from many different locations, and I do not disagree that some glimpses of the house may be possible from public vantage points. Indeed, whilst the applicant's appeal statement asserts that the proposed dwelling is 'simply not visible from Public Bridleway 417a' elsewhere it suggests views would be minimal, indicating a degree of visibility.
7. However, the dwelling not being widely visible, the bridleway not being heavily used, or the site already being occupied by buildings/activity associated with Sedgehurst does not mean that there would automatically be no harm arising or that there was not a planning judgement to be made. In this respect, in coming to its decision and balancing the removal of the buildings/activities against harm arising from a new dwelling, it was legitimate for the Council to take into account and give weight to both the wider views and the potential inherent harm arising to this rural area from the creation of a new dwelling.
8. Having reviewed the officer report and appeal submissions, I am satisfied that the Council gave a sufficiently reasoned assessment for their decision, and it was not unreasonable for them to have come to the conclusions that they did. Indeed, I ultimately arrived at a similar conclusion.
9. With regard to the perceived lack of engagement, it appears that the case officer declined a request to revisit the site once the applicant became aware of the first two reasons for refusal. Given my earlier conclusions on these reasons for refusal, the decision regarding the subsequent site visit was not unreasonable. Indeed, it seems to me that even if the Council had engaged with the applicant during the 'live' planning application process and the case officer revisited the site, it would merely have extended the time taken to determine the application, without necessarily there being a real prospect of finding a solution and thus avoiding a potential appeal.

Conclusion

10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Consequently, the application for an award of costs is refused.

Stewart Glassar

INSPECTOR