



Costs Decision

Site visit made on 29 May 2024

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 JUNE 2024

Costs application in relation to Appeal Ref: APP/L3625/W/23/3329097 Littleton Manor, Littleton Lane, Reigate, Surrey RH2 8LB

- 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 Matthew Tarrant for a full award of costs against Reigate and Banstead Borough Council.
 - The appeal was against a refusal to grant approval for the change of use from an agricultural building to a dwelling (C3 Use class).
-

Decision

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

Reasons

2. The Planning Practice Guidance (the PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably, and that behaviour has directly caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The application is seeking to recover the full costs incurred in the appeal process. The applicant considers that the Council behaved unreasonably as it: prevented or delayed development which should clearly be permitted; failed to produce evidence to substantiate its reason for refusal on appeal; put forward vague, generalised or inaccurate assertions about the proposal's impact which are unsupported by any objective analysis; refused planning permission on a planning ground capable of being dealt with by conditions; acted contrary to well-established case law; and did not determine cases in a consistent manner.
4. The Council submitted a Planning Officer's Report (the Report) and an appeal statement which together provided evidence to substantiate its reason for refusal. The Report appraised the proposal against Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). This included an objective analysis clearly outlining why the Council considered that the extent of proposed works would go beyond those reasonably necessary for the conversion of the structure to a dwelling and should therefore be refused.
5. The reason for refusal could not be dealt with by conditions as the matter related to the failure to meet the limitations set out in Class Q. Further, as the Report referred to the Hibbitt High Court case¹, the Council clearly had regard

¹ Hibbitt and another v Secretary of State for Communities and Local Government and Rushcliffe Borough Council [2016] EWHC 2853 (Admin)

to well-established case law relating to prior approval applications under Class Q of the GPDO.

6. In addition, the Planning Practice Guidance states that whether works go beyond what is reasonably necessary for the conversion to residential use is a matter of planning judgment, based on fact and degree in each case. The appeal structure differs from the other structure on the site which was allowed to convert to a dwelling under Class Q of the GPDO on appeal and, as such, there is no evidence that the Council has been inconsistent. As can be seen from my appeal decision, I have dismissed the appeal, concluding that the reason given by the Council could be substantiated.
7. In view of all the above points, I do not consider that the Council's behaviour has been unreasonable. It thus follows that the applicant has not incurred any unnecessary expense. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

A Wright

INSPECTOR