



Costs Decision

Site visit made on 19 June 2024

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 05 July 2024

Costs application in relation to Appeal Ref: APP/M3645/W/23/3339155 Carewell Farm, Lingfield , RH7 6PN

- 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 Ms Charlotte Holgate for a full award of costs against Tandridge District Council.
 - The appeal was against the refusal of planning permission for change of use of two fields from paddock and grazing to secure Dog Walking Fields (sui generis use class) with associated vehicular access, parking provision, erection of fencing and gates up to 1.8m in height, erection of mobile shelter and associated landscaping including hedging (Part Retrospective) without complying with a condition attached to planning permission Ref TA/2020/2130, dated 22 April 2021.
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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 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 contends that the Council acted unreasonably as they failed to substantiate their reason for refusal, ignored advice from consultees, and prevented a development which should have been permitted.
4. I agree with the appellant that the amended operating hours for the Strawberry Field could be considered to be beneficial. However, the doubling of the lawful capacity of both fields and extending the hours of operation for the Tea Room field would lead to increased activity and increased noise and disturbance. This is the basis of the Council's argument and does not itself require technical evidence, given the logical nature of the reasoning.
5. Moreover, the Council's development management team is not bound by the advice received from its consultees, including the environmental health department. As detailed in my decision, I partly agree with the Council's decision to refuse the planning application. The reasoning they have produced is logical and is based on sound planning judgement. I therefore do not consider that they have prevented a development which should have been permitted.

6. In conclusion, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

J Hobbs

INSPECTOR