



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/23/3331071 Carewell Farm, St Piers Lane, Lingfield, Surrey 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 C Holgate of Carewell Canines for a full award of costs against Tandridge District Council.
 - The appeal was against the refusal of planning permission for change of use from F2(c)equine to F2(c) canine for an additional secure Dog Walking Field and retrospective permission for a Dog Agility Training Arena with associated vehicle access and limited parking for both activities.
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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 ignored technical advice from their environmental health department, failed to substantiate their reason for refusal, provided generalised assertions about the proposal's impact, and they have not determined proposals in a similar manner. Overall, the applicant contends that this led to the Council preventing a development which should have been permitted.
4. In addition, the applicant contends that the Council acted unreasonably in not consulting interested parties in a timely manner on the appeal. This has led to the applicant producing two sets of final comments.
5. The Council's development management team is not bound by the advice received from its consultees, including the environmental health department. In determining the application, the Council concluded that the intensification of the use of the site, including through additional dogs, would cause harm to the living conditions of the neighbouring residents. Although the Council did not consistently refer to the lawful use of the site for outdoor equestrian use throughout their decision, the conclusion in relation to additional dogs would remain, regardless of the fallback position. The conclusion that additional dogs would create additional noise and disturbance is logical and does not necessarily require specific technical evidence.
6. I note that the Council had previously accepted a lack of objection from the environmental health department when permitting the use of the existing three

secure dog walking fields, including on the field closest to neighbouring properties. However, that development has altered the character of the surrounding area and there has been an increase in noisy activity. As such, the cases are materially different, and it is reasonable for the Council to come to a different conclusion.

7. For the reasons given above, I do not consider that the Council has acted unreasonably in dismissing the planning application. As detailed in my appeal decision, I agree with the Council's decision to refuse the planning application. I therefore do not consider that they have prevented a development which should have been permitted.
8. It is regrettable that the Council did not consult interested parties who commented on the application in a timely manner. I acknowledge that this led to the applicant producing two sets of final comments. This was a procedural error by the Council. However, the vast majority of interested parties' comments received after the initial deadline were supportive and did not require a substantive response from the applicant.
9. Only one objection was received following the initial deadline for interested parties' comments. The objection was made by an individual who had previously submitted a very detailed objection. Their second objection concentrated on concerns with procedural matters with the appeal consultation. In substantive terms the new objection added little to their previous objection. Most, if not all, of the points raised by the interested party had already been addressed by the applicant in their representations. Therefore, whilst the Council acted unreasonably in this regard, it did not lead to unnecessary or wasted expense.
10. In conclusion, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

J Hobbs

INSPECTOR