
Costs Decision

Site visit made on 22 August 2024

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2024

Costs applications in relation to Appeal Refs: APP/M3645/W/24/3337947 & APP/M3645/W/24/3341860

14 Stanstead Road, Caterham CR3 6AA

- The applications are 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 applications are made by Mr David Ciccone for a full award of costs against Tandridge District Council.
 - The appeals were against the refusal of planning permissions for the erection of 4 semi-detached houses with associated hard and soft landscaping.
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Decision

1. The applications for awards of costs are refused.

Reasons

2. 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 appellant submits that the Council has prevented development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations, including housing need.
4. Whilst I can understand the applicant's frustration with the Planning Committee's decisions, the associated reports contain reference to the housing situation in the District and I am satisfied that Committee Members would be well aware of the current under-supply and the presumption in favour of sustainable development. Nonetheless, in this instance Members deemed that the adverse impacts of granting planning permission in terms of the harm to the character and appearance of the area and parking provision would significantly and demonstrably outweigh the benefits of the developments proposed.
5. The Council's subsequent appeal statements set out appropriate analyses of the indicated harm in these respects, and how the schemes would conflict with relevant adopted planning policies. Moreover, the reasons for the refusal in the decision notices are complete, specific and relevant to the applications. They clearly state the policies of the Development Plan with which the proposals would be in conflict, and I am of the view that the Council has interpreted them correctly. As such, have seen no sufficiently compelling evidence of unreasonable behaviour on these grounds.

6. Therefore I do not consider that the Council failed to properly evaluate the applications or consider the merits of the schemes at that time. There were reasonable concerns about the impacts of the proposed developments which warranted the decisions.
7. The preparation of appeal evidence is a matter that is within the hands of the main parties, and it is in the appellant's remit whether or not to has produce a parking survey to support the level of provision for appeal A ; I do not find that this would represent an unnecessary expense. There is a clear shortfall when compared to the requirements set out in the Council's Parking Standards SPD, and although the Committee's decision on this matter was taken contrary to professional advice, its reasons for doing so were based on sound planning grounds.
8. Consequently I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

C Hall

INSPECTOR