



Costs Decision

Site visit made on 13 August 2024

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 1 October 2024

Costs application in relation to Appeal Ref: APP/C3620/D/24/3342366 Hare House, Flanchford Road, Leigh, Surrey RH2 8NW

- 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 Mrs Caroline Lewis for a full or partial award of costs against Mole Valley District Council.
 - The appeal was against the refusal of planning permission for the erection of single storey extension.
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Decision

1. The application for an award of costs is 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 applicant has contended that costs, either on a full or partial basis, should be awarded on a number of grounds which I consider in turn.
4. The applicant alleges that the reasons for refusal could have been addressed by condition, and in particular the imposition of a condition to rescind the prior approval for the proposed rear extension. The Council clearly took the ability to implement that rear extension into account as a material consideration, affording it significant weight as a fallback position.
5. It is not clear when the applicant offered to accept a condition to have that prior approval rescinded and there is nothing before me to suggest that this offer was made before the appeal stage. On that basis I consider that the Council's view that it would have been unreasonable to rescind a decision that had already been made was reasonable.
6. I am also not persuaded that the Council failed to give appropriate weight to the certificate of proposed development for the outbuilding. The Council set out its concerns with the impact of the development of the link element in green belt terms and in respect of its harm to the character and appearance of the existing property.
7. In respect of using a condition to overcome the Council's concerns in respect of the materials for the link building, this would have been a reasonable course of action for the Council to take. However, there is no evidence to suggest that, on

its own, this would have avoided the refusal of planning permission and in turn, the avoidance of an appeal.

8. The applicant has alleged that the Council has been inconsistent in its decision making, and has referred to another case determined by the Council which did give significant weight to a fallback position. Each proposal must be considered on its individual merits and furthermore, the Council has explained that there were material differences between the two cases, and that there was no inconsistent decision making. On the basis of the information provided to me, it does appear that there were significant differences between that case and the appeal before me. I do not therefore agree with the applicant on this ground.
9. The applicant alleges that the Council relied on vague, generalised or inaccurate assertions, and in particular regarding the effect of the link building on the appearance of the front elevation of the existing dwelling and local area. Whilst I have reached a different conclusion to the Council on this matter, this is a matter of planning judgement and I am satisfied that the issue was addressed by the Council at the application stage.
10. Having considered all the points raised by the applicant, I do not find that in the particular circumstances of this case the Council acted unreasonably and that the appeal could have been avoided.
11. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

L J Evans

INSPECTOR