



Costs Decision

Site visit made on 19 September 2024

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2024

Costs application in relation to Appeal Ref: APP/C3620/W/24/3337286 Rydal Oaks, Cobham Road, Bookham, Cobham, Surrey KT11 3QL

- 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 James Turk for a full award of costs against Mole Valley District Council.
- The appeal was against the refusal of planning permission for the erection of 1 No. single storey dwelling following demolition of stables and workshop.

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 (PPG) 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 PPG sets out that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. It states that unreasonable behaviour in the context of an application for an award of costs may be either procedural or substantive.
4. As an example of substantive award, the PPG sets out that determining similar cases in a consistent manner¹ is necessary.
5. The weight to be given to fall-back positions is a matter for the decision maker. As set out in the main decision, the prior approval permission² referred to by the appellant is no longer extant. It is not unreasonable therefore for the Council to attribute little weight to this matter.
6. The appellant's claim that the 'common denominator in this instance is that the proposed new dwelling could be built' is not substantiated, and whilst a condition imposed on the development at Mulberry House³ was not imposed on the MO/2021/1530 Rydal Oaks application, it has not been demonstrated why this has resulted in unnecessary or wasted costs for the appellant.

¹ Paragraph: 049 Reference ID: 16-049-20140306

² Application reference MO/2021/0886

³ Application reference MO/2022/1407/PLA

7. The Council have adequately substantiated their reason for refusal and there is nothing within the submitted evidence to suggest that the Council did not have an adequate understanding of the proposal and the site context.
8. Accordingly, it has not been demonstrated that the applicant's time and expense in defending this matter was not necessary and has resulted in unnecessary or wasted expense on their behalf.

Conclusions

9. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. The application for an award of costs is therefore refused.

B Phillips

INSPECTOR