



Costs Decision

Site visit made on 16 October 2024

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2024

Costs application in relation to Appeal Ref: APP/L3625/W/24/3340647 Thurgarton Cottage, Meath Green Lane, Horley, Surrey, RH6 8HZ

- 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 Richard Sloman of Nye Saunders Ltd Chartered Architects for a full award of costs against Reigate and Banstead Borough Council.
 - The appeal was against the refusal of planning permission for erection of two three bedroom houses, provision of six parking spaces and turning area.
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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 (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 main points in the appellant's case are that the Council has not cooperated with the appellant, and it has unreasonably refused the planning application due to vague generalised or inaccurate assertions about a proposal's impact which are unsupported by an objective analysis and prevented or delayed development that should clearly be permitted. Including with particular regard to the assessment of character and appearance and comments from the Conservation Officer, and the submission of a NatureSpace Great Crested Newt District Licensing Scheme certificate.
4. The Conservation Officer (CO) has provided detailed comments on the original and amended schemes taking into account the previous Inspector's decision. The CO sets out specific concerns with the appeal scheme. He also comments that "I consider in the light of the inspectors decision that a single additional house is the limit". The Council's officer report takes these and other consultee comments into account and they are summarised within the report. However, in addition, the officer report then goes on to undertake an objective analysis of the effect of the proposed development on character and appearance, including the existing nearby developments and taking into account the previous Inspector's decision. The report sets out that this would not accord with specific development plan policies. I understand that this decision was agreed with the Development Manager and Head of Planning. Furthermore, the report includes a planning balance where the benefits including the provision of additional housing are not considered to outweigh the harm. I am therefore satisfied that the decision is supported by an objective analysis and is not centred on one part of a single consultee's comment.

5. Furthermore, it can be seen in the main decision that, overall, I agree with the judgement that the proposed development would be harmful to the character and appearance of the area.
6. As such the Council has not acted unreasonably in refusing planning permission for the proposed development, has supported its judgement as to the proposal's impact with an objective analysis and this is not development which should clearly be permitted.
7. The second reason for refusal related to ecology. An informative is on the decision notice which states that if further information was submitted to demonstrate that no harm would occur to Great Crested Newts the Council would not contest this reason for refusal at appeal. This evidence, in the form of a NatureSpace Great Crested Newt District Licensing Scheme certificate dated 25th October 2023 has been submitted with this appeal. NatureSpace state that this was sent to the case officer the day certification was sent. The Council state that it was forwarded to them by the appellant on the 26th of October. The decision is dated 25th October 2023.
8. In the absence of convincing corroborating evidence showing the date or time that the certificate was sent to the Council, it appears that this document was received by the Council after the decision was made. As such it was not unreasonable to include this reason for refusal. Moreover, having regard to the informative and the subsequent Council's statement, its position that on receipt of this evidence the appeal would not be contested on this issue was clear. As such, in any case, this has not led to unnecessary or wasted expense in the appeal process.
9. It appears that a number of the appellant's requests to negotiate were not agreed to. However, as part of this application the Council has considered amended plans and carried out reconsultation and I understand that the appellant received a response to their letter to the head of planning. Consequently, there has been some dialogue between the parties. I do not find that there has been an unreasonable lack of cooperation.
10. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

H Miles

INSPECTOR