



Costs Decision

Site visit made on 25 November 2024

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 December 2024

Costs application in relation to Appeal Ref: APP/Y3615/W/24/3341709 South Cottage, Redhill Road, Cobham KT11 1EF

- 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 Guildford Borough Council for a full award of costs against Mr Jake, Mrs Jasmin, and Mr Kyle Johnson.
 - The appeal was against the refusal of planning permission for the demolition of buildings, removal of hardstanding and the erection of two detached self build dwellinghouses (to be built to the plans or specifications decided by the occupants), with landscaping, parking, and access.
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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 considered that the appellants have behaved unreasonably by appealing against a refusal of planning permission (24/P/00156) which had not materially changed from the previous application (22/P/01784) and had been refused at appeal (APP/Y3615/W/23/3323077).
4. It is acknowledged that both the scheme before me and 22/P/01784 proposed 2 detached dwellings in a similar location on the appeal site. Accordingly, it is not unreasonable to assume the considerations in relation to inappropriateness in the Green Belt, and the effect on Thames Basin Special Protection Area would be similar across both schemes. Nevertheless, submitted drawing 505 shows the proposed dwellings would have a smaller footprint to those proposed in 22/P/01784, so it is reasonable that the impact on the openness of the Green Belt be reconsidered.
5. However, for this application of costs, most importantly is the difference in housing type proposed. 22/P/01784 proposed market housing, whilst the scheme before me proposed self-build housing. These housing types are considered differently both within national and local policy. Notably the development plan which has a policy specifically for self-build and custom housing, Policy H1 of the Guildford Borough Local Plan: Strategy and Sites 2015 – 2034.
6. Consequently, although there are similarities between 22/P/01784 and the scheme before me, I am satisfied they do not constitute identical applications

and there are unique points of consideration for both. As such, that the appellants sought to appeal the refusal of planning permission 24/P/00156 does not constitute unreasonable behaviour, and the costs incurred by the applicant are not unnecessary or wasted. An award of costs is not, therefore, warranted.

RJ Redford

INSPECTOR