



Costs Decision

Site visit made on 18 December 2024

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2025

Cleavers, Clayhill Road, Leigh, Surrey RH2 8PB

Costs application in relation to Appeal Ref: APP/C3620/D/24/3345549

- 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 D Bonham for a full award of costs against Mole Valley District Council.
 - The appeal was against the refusal of single storey rear extension, 8m deep
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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 of the appellant's case are that the Council has acted contrary to well-established case law regarding side wall extensions extending beyond rear walls and consequently that it has prevented or delayed development which should clearly be permitted.
4. The Council states that the proposal would not be built from a wall forming part of the original dwellinghouse. Whilst the extent of the original dwellinghouse is relevant in terms of the consideration of the siting and size of an extension, there is no requirement that it is attached to the original dwellinghouse. Indeed, paragraph ja) of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) clarifies that the term total enlargement specifically includes enlargements which could be joined to an existing enlargement of the original dwellinghouse. Therefore, the Council's use of the term original is unhelpful.
5. However, as set out in the main decision, the appeal scheme proposes a structure which is not attached to any part of the existing building and this is a key part of the Council's case. Consequently, the development proposed is not a side wall extension extending beyond a rear wall and as such the submitted LPA and appeal decisions¹ and the Permitted development rights for householders: technical guidance (2019) are not relevant to this appeal scheme in this regard. Therefore, and as set out in the main decision, this is not development that should clearly be permitted, and the appeal would be necessary in any case.

¹ Appeal refs; APP/P1805/X/22/3299524, APP/G5180/X/22/3295969 LPA refs: 22/0366, 22/0369

6. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

H Miles

INSPECTOR