



Costs Decision

Site visits made on 10 December 2024

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 February 2025

Costs application in relation to Appeal A: APP/C3620/W/24/3344226

Brookwood Weare Street, Ockley, Surrey RH5 5NH

- 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 Lesley Wills for a full award of costs against Mole Valley District Council.
 - The appeal was against the refusal of the Council to grant Prior Approval for an application for prior approval under Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the conversion of farm office to single dwelling.
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Costs application in relation to Appeal B: APP/C3620/W/24/3344146

Brookwood, Weare Street, Ockley, Surrey RH5 5NH

- 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 Lesley Wills for a full award of costs against Mole Valley District Council.
 - The appeal was against the refusal of the Council to grant Prior Approval for an application for prior approval under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the change of use from an agricultural building to 4 dwellings (C3 Use Class)
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Decision

1. The application for an award of costs for Appeal A is refused.
2. The application for an award of costs for Appeal B is refused.

Procedural Matter

3. As set out above there are two applications for costs relating to two separate appeals at this address. I have considered each application on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated

Reasons

4. 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.
5. In both applications, the bulk of the reasons put forward to demonstrate unreasonable behaviour take the form of text highlighted from the PPG but the applicant has not detailed the relevance of the points highlighted, or provided any supporting commentary or evidence.

6. In Appeal A, the application for costs relates to the Council's Planning Committee taking a decision contrary to officer approval. In respect of this appeal, the prior approval was determined by delegated authority and was considered correctly under Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). There was no decision made contrary to officer opinion and the application was not considered contrary to national guidance or adopted policies. As prior approval is assessed against the GPDO, national guidance or policies are not relevant to the assessment as to whether a proposal constitutes permitted development.
7. In Appeals A and B, the applicant alleges that the Council made vague, generalised or inaccurate assertions about each proposal's impact, unsupported by any objective analysis and contrary to national guidance and adopted policies. Reference is also made to the Council providing information that is shown to be manifestly inaccurate or untrue and the applicant spending in excess of £10,000 directly related to the appeals.
8. In both appeals, there are no vague, generalised or inaccurate assertions made by the Council in the officer's report. The comments made directly relate to the planning history of the site and the evidence supplied in an attempt to demonstrate that the uses fall within Class E or an established agricultural unit. In addition, the applicant has failed to explain or evidence how any information provided by the Council is shown to be manifestly inaccurate or untrue. Neither has it been detailed how the applicant has committed in excess of £10,000 on the appeals and how the Council's behaviour has resulted in this unnecessary or wasted expense.
9. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense as described in the Planning Practice Guidance has not occurred and the awards of costs in connection with both appeals are not warranted.

V Goldberg

INSPECTOR