



Costs Decision

Site visit made on 4 February 2025

by **R Cahalane BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 March 2025

Costs application in relation to Appeal Ref: APP/C3620/W/24/3347432 Woodlands Farm, Burnt Oak Lane, Newdigate, Surrey RH5 5BJ

- 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 KBS Property Development Ltd for a full award of costs against Mole Valley District Council.
 - The appeal was against the refusal of a prior notification for the conversion of the existing buildings to provide 5 No. dwellings (Use Class C3). The creation of new openings to provide natural light to all rooms on the dwelling houses.
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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. A previous prior notification¹ for the change of use of agricultural buildings within the appeal site to 5 No. dwellings (Use Class C3) was refused for the same reasons as the application subject to this appeal. Following the initial refusal, the appellant discussed this matter with the Council Officer and provided examples of where the Council had approved similar applications. The appellant believes this was ignored in the Council's assessment of the new application subject of this appeal, and thus forms an inconsistent approach to such applications.
4. The appellant also perceives that the Council based their decision on a site visit in 2024, when the relevant date for assessment is in fact March 2013, and that additional information, including letters of support from nearby landowners to seek to verify the use of the site as of March 2013 were also ignored by the Council.
5. It is also contended that Council Officers ignored their own planning history in determining the application, and the Council is also criticised for not providing their own expert advice in relation the structural condition of the buildings.
6. As set out in my appeal decision, the appellant provided plans and supporting documents for a scheme recently granted prior approval² by the Council nearby in Newdigate for change of use of an agricultural building to five dwellings. This case turned on its own site-specific circumstances, and the Council concluded that the

¹ Council Ref: MO/2023/1680

² MO/2023/1326

majority of the barn would be retained. I have however found that it has not been demonstrated that the current proposal can be undertaken without substantial rebuilding of existing structures. I can understand how perceived inconsistencies of approach by the Council could be frustrating, but ultimately I have found that the cited nearby prior approval could not justify allowing this appeal.

7. The officer report refers to the letters provided by the appellant and they have therefore not been ignored by the Council, who appears to have considered these documents alongside other representations received and information gathered following a site visit. The officer report also refers to the site's planning history, but in any event I have found that this has not in itself demonstrated agricultural use of the proposed buildings to be converted.
8. Based on the submitted evidence, I have found in my appeal decision that it has not been demonstrated that the buildings forming the appeal proposal are currently in agricultural use as part of an established agricultural unit, or were solely used for an agricultural use as part of an established agricultural unit on 20th March 2013. I therefore could not find that the scheme complies with paragraph Q.1(a) of the General Permitted Development Order (GPDO).
9. The Council was not required to seek expert advice on the structural statement provided, which I have in event assessed in conjunction with a site visit. Following this, I have also concluded that it has not been sufficiently demonstrated that the extent of the works proposed would accord with the provisions of Schedule 2, Part 3, Class Q of the GPDO.
10. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

R Cahalane

INSPECTOR