Planning Inspectorate

Costs Decision

Site visit made on 4 February 2025

by N Thomas MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2025

Costs application in relation to Appeal Ref: APP/C3620/X/24/3350039
Great Oaks Snower Hill Road, Betchworth RH3 7AQ

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
- The application is made by Mr P Courtney for a [partial] [full] award of costs against Mole Valley District Council.
- The appeal was against the refusal of a certificate of lawful use or development for erection of two outbuildings and the laying out of hardsurfaces within the curtilage of the dwelling for purposes incidental to the enjoyment of the dwelling.

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 PPG sets out examples of the types of behaviour that may give rise to an award of costs against a local planning authority. These include preventing or delaying development which should clearly be permitted, acting contrary to or not following well established case law, and not determining similar cases in a consistent manner.

4. The appellant argues that the Council has not provided any substantive evidence to support their position. However, the Council provided detailed reasoning for their decision in their planning officer report. They demonstrated that they had exercised their planning judgement as to whether the development was required for purposes incidental to the enjoyment of the dwelling, taking into account relevant case law.

5. The appellant provided a number of appeal decisions. These are not case law but clearly it is important that there is consistency in decision making. The decisions demonstrate that each case is determined on its own facts. With regard to the Council's own decision at Ashlehaye, the Council has explained that following an appeal decision they changed the way in which they determine applications relating to incidental purposes. While this has resulted in some inconsistency in its decision making, the Council has demonstrated that it has sought to act in accordance with established case law. I do not find that this constitutes unreasonable behaviour.

6. As the appellant disagreed with the Council's reasoning there was no alternative to submitting the appeal. It is not therefore the case that costs associated with the appeal could have been avoided. Unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

N Thomas

INSPECTOR