



Costs Decision

Hearing held on 23 April 2025

Site visit made on 23 April 2025

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 8th May 2025

Costs application in relation to Appeal Ref: APP/M3645/W/24/3358206

Surrey Pet Crematorium & Cemetery, Byers Lane, South Godstone RH9 8JL

- 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 Pet Cremation Services (PCS) for a full award of costs against Tandridge District Council.
 - The appeal was against the refusal of planning permission for replacement of reception/office building incorporating extended crematory and replacement flues. Erection of replacement waste storage/transfer building onto extended hardstanding.
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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. The PPG also advises that the behaviour of parties during the time of the planning application can be taken into account in deciding whether unreasonable behaviour has occurred.
3. The applicant contends that the application should have been approved by the Council, that regard was not had to the relevant policies in the Surrey Waste Local Plan 2020 (SWLP), that revisions to the proposal were made in response to a meeting with the Council Officers in order to resolve concerns raised during the application process, that matters of surface water flooding were introduced and not properly considered and that the Officer Report refers to a recommendation of 'approval' leading to uncertainty.
4. Whilst I have agreed with the appellant in my appeal decision and found the proposal to be acceptable, this involved planning judgement having regard to the evidence before me, including the site visit. The weight afforded to different matters were also matters of planning judgement. The Council provided reasons to underpin its stance which I find substantiated its position in respect of this case. Whilst it was unfortunate that the SWLP policies were not considered at the planning application stage, I do not consider it likely that the omission of assessment against these policies led to the Council taking a different approach.

5. I note that the applicant engaged with the Council in order to seek to resolve issues raised and that revised drawings were submitted in response to a meeting held between the parties. I do not have any evidence of the discussions carried out at those meetings or what the advice of the Council was subject to the revisions being submitted. It is also not clear whether the revisions submitted responded to the advice provided by the Council. Whilst justification should be provided where a decision conflicts with advice, I am satisfied that the Council's Officer Report gave clear justification on why the decision was made.
6. I note that surface water flooding was added as an issue by the Council through the appeal, in terms of the assessment against the revisions to the National Planning Policy Framework and the specific considerations relating to grey belt and footnote 7. Whilst I accept that the assessment of the Council in this respect may not have been overly clear, it was accepted at the hearing that this information had only just been provided and the Council agreed in the Statement of Common Ground that surface water drainage matters did not form part of the reason for refusal and that it could be adequately dealt with by condition. I do not consider that the resolution of this particular matter at any earlier stage would have meant that the appeal would have been avoided.
7. The Officer Report identifies a recommendation of 'refused' at the beginning but then identifies a recommendation of 'approved' before its reason is set out. I accept that this provides a lack of clarity. However, when reading the Officer Report as a whole in combination with the Council's Decision Notice which clearly refers to it as refusal of planning permission, I find that the Council's intention was to refuse permission.
8. For the above reasons, taking into account the applicant's points made in writing and at the hearing, I find that, unreasonable behaviour resulting in unnecessary or wasted expense as described in the PPG has not occurred and an award of costs is not warranted. Consequently, the application for an award of costs is refused.

G Dring

INSPECTOR