
Costs Decision

Site visit made on 24 June 2025

by **C Carpenter BA MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 July 2025

Costs application in relation to Appeal Ref: APP/R3650/W/24/3358096 Land north-west of Meadfields Farm, Three Gates Lane, Haslemere GU27 2LD

- 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 and Mrs Nick and Jane Owen for a full award of costs against Waverley Borough Council.
 - The appeal was against the refusal of permission in principle for a detached two-storey dwelling.
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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 applicants consider the Council has exhibited unreasonable behaviour with respect to the substance of the matter under appeal. They argue the Council did not follow well-established case law and made generalised assertions with insufficient regard to local characteristics when it considered the question of limited infilling in a village; and that it failed to substantiate its reason for refusal.
4. The case law referred to by the applicants is *Julian Wood v SSCLG and Gravesham Borough Council [2015]*, in which it was common ground between the parties that whether or not a proposed development constituted limited infilling in a village was a question of planning judgement and would depend on an assessment of the position on the ground; and that, while a village boundary as defined in a Local Plan would be a relevant consideration, it would not necessarily be determinative.
5. In section 9 of its decision report, the Council acknowledges and does not dispute this case law. It then refers to the guidance on limited infilling in the supporting text to Policy DM14 of the Waverley Local Plan (WLP) Part 2, which states, amongst other things, that limited infilling includes small gaps within built development. The Council goes on to explain that, in its judgement, the area around the appeal site cannot be considered as “built-up developed” or the gap defined as small, because of the separation distances between existing dwellings (quantified on a plan) and the presence of intervening mature vegetation. Having regard to these factors, as well as the location of the site outside the defined settlement boundary of Haslemere, the Council concludes the proposal would not constitute limited infilling.

6. In so doing, the Council assessed the position on the ground and supported this with evidence, albeit briefly. This assessment was considered alongside the site's location outside the settlement boundary, which is a fact undisputed between the parties. Consequently, the question of location relative to the settlement boundary was a contributory factor but was not determinative in the Council's ultimate finding. I find this approach to be consistent with that established in *Julian Wood*.
7. I thus find that, in making its judgement, the Council did follow the relevant well-established case law alongside the guidance in its development plan. It had regard to local characteristics, using evidence, and did not rely on generalised or unsubstantiated assertions in its reasoning. In so doing, the Council adequately substantiated its reason for refusal within its decision report.
8. In my appeal decision, I found the proposed development did not satisfy the limited infilling in a village exception because, in my view, Haslemere is not a village. I found instead that the development satisfied another of the exceptions for inappropriate development in the Green Belt. Nevertheless, notwithstanding these differences in judgement, I do not consider the Council acted unreasonably in making its decision for the reasons I have set out.
9. I appreciate the applicants' analysis of local characteristics led them to a different conclusion from the Council. However, a difference of planning judgement about circumstances on the ground does not in itself make the Council's position unreasonable.
10. At paragraphs 3 and 12 of its statement of case, the Council refers back to the reasoning in its decision report on the question of limited infilling in a village. The rest of the statement primarily addresses the other arguments presented by the appellants in their appeal statement. Consequently, I do not agree that the Council's statement simply repeats that the site lies outside the Local Plan settlement boundary.
11. The other appeal decision drawn to my attention¹ relates to another local planning authority with a different development plan policy approach on limited infilling in villages in the Green Belt. Moreover, the site in that case was surrounded by existing development of varying types, including a commercial parade opposite and an emerging development of large apartment blocks nearby. Whilst I agree any 'small gap' will be influenced by the scale and character of surrounding development, the circumstances that led to that Inspector's conclusions are materially different in several ways to those prevailing in this case. In any event, the Council in this case did take account of the surrounding development, as I have set out. I therefore give that other decision little weight.
12. For the above reasons, I conclude unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

C Carpenter

INSPECTOR

¹ Ref APP/T0355/W/23/3333583