



Costs Decision

Site visit made on 25 June 2025

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 JULY 2025

Costs application in relation to Appeal Ref: APP/M3645/W/24/3351031

Land at Star Cottages, Church Road, Lingfield RH7 6AH

- 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 Richard Andrews for a full award of costs against Tandridge District Council.
 - The appeal was against the refusal of planning permission for the demolition of existing buildings and erection of a detached 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. There are several strands to the applicant's case for an award of costs. These relate to both procedural and substantive grounds.
4. In summary, the applicant sets out that the council has acted unreasonably in failing to substantiate reasons for refusal, failing to communicate effectively with the applicant and failing to determine the application in a reasonable timeframe. This is stated to, in part, have led to information becoming out of date.
5. The reasons for refusal set out in the decision notice for the application are sufficiently complete, precise, specific, and relevant to the application. The decision notice also clearly states the policies that the Council consider the proposal would be in conflict with. In my view, the reasons for refusal were adequately substantiated by the Council in its officer report. That the heritage officer found no harm is acknowledged. However, matters of character and appearance go beyond heritage matters. In any case, officers are entitled to come to a different view to their consultees.
6. The applicant sets out issues with communication. I acknowledge the frustration in this respect, particularly in regard to timings and a lack of clarity. However, from the evidence before me, it is apparent that the Council did communicate its concerns with the applicant during the course of the application on a number of occasions, including in respect of design and ecology. This has been confirmed within the applicant's submissions, where opportunities to amend the scheme were offered and taken. These did not overcome the Council's concerns.

7. I note the concerns of the applicant in respect of the ecological evidence becoming out of date during the application. It is far from ideal that the application ran over the typical timeframe for determination. However, I note that extensions of time were agreed with the applicant. Moreover, the ecological assessment was produced some time before the planning application was submitted and validated, limiting its lifespan. In any case, even were I to have found this matter acceptable, it would not have led to an alternative conclusion on the other main issue under the appeal and an alternative outcome would not have occurred.
8. Overall, it is my view that the application for costs essentially relates to a disagreement about legitimate matters of planning judgement. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

A Price

INSPECTOR