



Costs Decision

Site visit made on 18 February 2025

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th July 2025

Costs application in relation to Appeal Ref: APP/R3650/W/24/3352194 Land adjacent Tylney Woods GU10 2NZ

- 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 Simon Creech against Waverley Borough Council.
 - The appeal was against the refusal of outline planning application (all matters reserved other than access) for 2 serviced plots for self-build and custom housebuilding.
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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 appellant's claim for costs relies on that the Council has acted unreasonably in attributing the wrong level of weight when considering harm to the Green Belt and that the Council did not work proactively with the appellant.
4. Paragraph 153 of the National Planning Policy Framework (the Framework) states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
5. The Council's officer report considered that after assessing the harm to the Green Belt that that the extent of Green Belt harm must be given great weight in the planning balance. The officer report is unclear within the Green Belt section as to how the assessment of great weight has been reached.
6. In response to the costs application, the Council have acknowledged that the level of weight given to Green Belt harm is contrary to the Framework and suggest that should if the weight had been stated as substantial, the outcome of the application would have been the same.

7. I find that while the Council's attribution of great weight to the Green Belt harm is unhelpful for the appellant, it is clear that based on the limited information to justify this increased level of weight, there is no evidence that they have elevated the weight given to the harm, despite using the word great. This is also evidence from the decision notice whereby the only reference made is to Green Belt harm being harmful by definition. I therefore find that while the Council's reference to great weight is unhelpful and unclear, it was not fundamental to the decision to amount to unreasonable behaviour and there has been no unnecessary wasted expense as a result.
8. The appellants costs application raises concerns in relation to the Council's calculation of the shortfall of self-build and custom housing (SBCH). The Framework was updated since the Council's determination of the application, and as a result, I have found that the proposed development would not be inappropriate in the Green Belt. While the provision of SBCH has attracted some weight in showing a demonstrable unmet need for the type of development, I have not had to explore the shortfall as this was not determinative of the outcome of the appeal.
9. It is clear that there was a substantial shortfall in SBCH and from the Council's case, they considered the appellant's case in this area was strong. There is no dispute that the undersupply of SBCH could amount to a very special circumstances, however, this is a matter of planning judgment when weighing all matters in the balance. The Council gave significant weight to the benefit of SBCH, even though the contribution would be small. However, the Council's case is clear that the totality of harm would outweigh the benefits and while I acknowledge that the shortfall of SBCH could have been greater, there is no evidence to suggest that the Council would have altered their decision.
10. I acknowledge the time taken for the Council to consider the planning application and that the tree and ecology issues might have been able to be resolved with further time. However, the Council are not obliged to allow further time for additional information to be submitted and it is also clear that the Council's concerns over the harm to the Green Belt could not have been overcome through allowing additional time. As such, they were not unreasonable to refuse the planning application and there has been no wasted expense as a result.
11. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a full award of costs has not been demonstrated.

D Wilson

INSPECTOR