
Costs Decision

Hearing held on 10 April and 27 May 2025

Site Visit made on 10 April 2025

by Timothy C King BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2025

Costs application in relation to Appeal Refs: APP/M3645/C/24/3349392 & APP/M3645/C/24/3349393

Land adjoining Alwyn, to the west of Green Lane, Shipley Bridge, Horley RH6 9TJ

- 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 Ms Elizabeth Connors and Mr J Harty for an award of costs against Tandridge District Council.
 - The appeal was against the Council's decision to issue an enforcement notice against the material change in the use of the land to a residential caravan site.
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Decision

1. The application for an award of costs is refused.

Reasons

2. Paragraph 030 of the Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The applicants make the claim on both substantive and procedural grounds. In essence, the applicant considers that the Council should not have maintained its stance that the appeal site could not be considered as constituting 'Grey Belt' until, in the face of various evidence, it decided not to offer any evidence on this issue. The applicants also take issue with the evidence produced relating to the interim policy position statement (IPPS) and the findings of the latest Gypsy and traveller accommodation assessment (GTAA), submitted by the Council close to the Hearing opening in April 2025.
4. The GTAA was not completed until March 2025, and this was followed up by the Council producing its IPPS. These represented important developments and I am satisfied that the Council submitted these to supplement the papers for this appeal at the earliest opportunity. At the Hearing's opening the appellants' counsel made oral objections to the Council's 'late submissions' which, he said, ran contrary to the timetable set out in the appeal regulations. Whilst correct, I made the point that the information and details received were important material considerations which went to the crux of the appeal.
5. In the circumstances there was, of course, no way that PINS would have turned the Council's late submissions away. Besides, at the outset of the

Hearing the appellant's agent, understandably, produced a lengthy document in response which neither the Council nor PINS had previously seen. Given all this, and so that the Council had the right of response, I explained that the GTAA's findings and all matters relating to the need for gypsy and traveller pitches would need to be dealt with, virtually, at a reconvened date (to be held at the earliest opportunity), whilst all other issues plus the site visit could be discussed on the day, with all interested parties in attendance, and wishing to speak, having their say. This would also allow for Steve Jarman, an ORS representative, to explain the GTAA in person. A further document would also be produced to allow the appellants' to provide final comments.

6. It transpired that this document was distributed with sufficient time for representations to be made and all parties had been briefed before the Hearing reconvened. Accordingly, the change in the programme was necessary, worked well, and were directed by me, not the Council. It was my decision, how best to proceed. In the circumstances, and as the amount of material for discussion would have resulted in the Hearing spilling over to a second day, I must agree with the Council that the change in arrangements would not have reasonably brought about significant additional expenditure incurred by the appellants.
7. As regards the issue of Grey Belt the Council obviously had to weigh up the findings of Inspectors on other local appeals as to this concept and then reassess the planning position and how this would apply to the appeal site. Indeed, one relevant decision letter (*APP/M3645/C/24/3357967*) was only issued one week before the Hearing reconvened, with the site visit having taken place after it had first opened in early April.
8. Given this, and in the face of the recent evidence I agreed with the change in the Council's stance, and this aided the proceedings. Accordingly, I am satisfied that the Council acted correctly on both issues highlighted by the appellants in their costs claim.
9. For the reasons given above unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.
10. I therefore refuse the application for an award of costs.

Timothy C King

INSPECTOR