



Costs Decision

Inquiry opened on 28 May 2025

Site visit made on 30 May 2025

by David Prentis BA BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th August 2025

Costs application in relation to appeal reference APP/M3645/W/24/3355743

Land West of Chapel Road, Smallfield, Surrey RH6 9JH

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by B Yond Homes Ltd for a partial award of costs against Tandridge District Council.
 - The Inquiry was in connection with an appeal against the refusal of planning permission for development described as: *residential development (Use Class C3) comprising up to 270 dwellings; private parking; landscaping and public open space; SuDS; and flood alleviation measures (Outline application with all matters reserved save for access)*.
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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 application seeks a partial award of costs incurred in relation to the first reason for refusal (Green Belt) since 27 February 2025 or, in the alternative, since 20 May 2025. The first of these dates is the date that the PPG was updated to the effect that, when considering the contribution of a site to Green Belt purpose (a), villages should not be considered large built-up areas. The second is the date of four appeal decisions relating to Land South of Plough Road, Smallfield. These decisions are referred to in my appeal decision.
4. The applicant argues that it was unreasonable for the Council to maintain that Smallfield was a large built-up area (and not a village) after the PPG update of 20 May 2025. Moreover, in the appellant's view, the Council's position was even less tenable in the light of the Plough Road appeal decisions.
5. For reasons set out in my appeal decision, my conclusion on the first main issue turned on whether Smallfield is a village for the purposes of applying the policies of the National Planning Policy Framework (the Framework) and the PPG relating to Green Belt. As noted in my appeal decision, neither the Framework nor the PPG provides a definition of "*large built-up area*" or "*village*." The question of whether Smallfield is a village, and therefore not a large built-up area, is a matter of planning judgement.

6. The applicant points out that there are numerous references to Smallfield as a village in the development plan, in the officer's report and elsewhere. The development plan is clearly an important consideration and, in this case, I found that the development plan as a whole provides a clear indication that Smallfield is a village. However, the development plan is not determinative because it predates the relevant provisions of the Framework and the PPG. Whilst the officer's report used the term "*village*," this was in the context that Smallfield was also considered to be a large built-up area where Green Belt purpose (a) was relevant.
7. In my appeal decision, I went on to assess further relevant considerations, including the Green Belt Assessment of 2015. I also noted that an appeal decision relating to Daws Heath Road, Hadleigh, had regard to the scale of that settlement and the range of services and facilities that it offered when discussing whether Hadleigh was a village. I agreed that those were relevant factors to take into account and assessed the evidence before this Inquiry on those matters.
8. Ultimately, for the reasons given in my appeal decision, I did not agree with the Council that Smallfield is a large built-up area. However, the Council provided relevant evidence in support of its case which I have taken into account in my appeal decision. The Council's case was not unsubstantiated and putting it forward at the Inquiry did not amount to unreasonable behaviour.
9. The appeal decisions at Plough Road refer to Smallfield as a village. However, I have no reason to doubt the Council's evidence that the appeal statements were silent on the question of whether Smallfield was, in fact, a village and that there was little or no discussion of the point at the hearing. From my reading of the decision, it appears that the Inspector simply followed the approach of the parties rather than making a finding based on evidence and arguments. I acknowledge that, for whatever reason, the Council did not raise the matter in the context of the Plough Road appeals. However, in my view, this was an important point for me to consider in the context of this appeal and I do not think that the Council was debarred from raising it.
10. My overall assessment is that the Council did review its case in the light of the update to the PPG. Evidence was brought forward to substantiate the Council's position. This was not raised as an important point at the Plough Road hearing but, even so, it was an important point for me to consider and it was not unreasonable for the Council to raise it. I conclude that unreasonable behaviour has not been demonstrated and that the conditions for a partial award of costs have not been met. It is not therefore necessary for me to comment on the question of unnecessary expense.

David Prentis

Inspector