



Costs Decision

Site visit made on 11 July 2025

by **B Pattison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 August 2025

Costs application in relation to Appeal Ref: APP/C3620/W/25/3361127

Land adjacent to Robins Nest, Ifield Road, Horley RH6 0DR

- 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 T Stacey for a full award of costs against Mole Valley District Council.
 - The appeal was against the refusal of planning permission for Erection of 2 No. Dwellings with associated parking and landscaping.
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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. Paragraph 049 of the PPG states that examples of unreasonable behaviour by local planning authorities include failure to produce evidence to substantiate each reason for refusal on appeal, and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The applicant states that the Council failed to substantiate the reason for refusal related to whether the proposal would constitute inappropriate development within the Green Belt, and the proposal's effect on openness.
5. The reason for refusal set out in the decision notice relates to inappropriate development within the Green Belt and the proposal's effect on openness. It is complete, precise, specific and relevant to the application. It also clearly identifies the paragraph of the National Planning Policy Framework that the proposal would be in conflict with. The officer report and the Council's Statement of Case provide a detailed explanation as to why the Council refused the proposal.
6. Whilst I appreciate that the outcome of the application will have been a disappointment to the applicant, the Council were not unreasonable in coming to that decision, and indeed following consideration of the application on its merits alone, I find no reason to disagree with the Council's conclusions.
7. The applicant states that the Council has taken an inconsistent and unclear position regarding five-year housing land supply and Green Belt. The Council's officer report clearly set out the Council's position in relation to its five-year housing land supply and whether the 'tilted balance' applied. Since the planning application was

determined the Council has adopted a new local plan, and as things currently stand the Council indicates that it can demonstrate a five-year housing land supply and its last Housing Delivery Test measure was more than 75% (78%). The applicant has not provided substantive evidence to demonstrate that the Council does not currently have a five-year housing land supply. Regardless, as identified in my appeal decision, even were I to accept the appellant's argument that there is a lack of a five-year housing supply, paragraph 11.d clarifies that permission should not be granted if the application of policies in the Framework that protect areas or assets of particular importance, including Green Belt, provide a clear reason for refusing the development.

8. The Council's Statement of Case thoroughly examines whether the appeal site could be considered Grey Belt. For the reasons set out in the appeal decision, I find no reason to disagree with the Council's conclusions. Accordingly, I consider that the Council has not failed to properly evaluate the proposal.
9. The applicant states that the appeal was unnecessary as the concerns over density, amenity, or environmental impacts raised by the Council could have been addressed via conditions or minor design changes if the Council had contacted the applicant during the planning application.
10. PPG¹ states that the acceptance of changes to an application is at the discretion of the Local Planning Authority. In this context, the Council is not obliged to seek further information after the submission of an application, and, as an application should be accompanied with all details necessary to enable an application to be determined, I do not find that the onus should be on the Council to seek design changes. Besides, given my findings set out in my appeal decision regarding the Green Belt, I am not convinced that minor design changes would have altered or resolved the Council's concerns.
11. The applicant states that the Council's appeal questionnaire contains inaccuracies in relation to protected species and the appellant's Ecology Appraisal. The proposal's effect on protected species is not a main issue under consideration within this planning appeal. Even if I were to conclude that the questionnaire had been incorrectly completed, I have no substantive evidence that the appellant incurred additional expense as a result of this.

Conclusion

12. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

B Pattison

INSPECTOR

¹ Paragraph: 061 Reference ID: 14-061-20140306