



Costs Decision

Hearing held on 22 July 2025

Site visit made on 22 July 2025

by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 AUGUST 2025

Costs application in relation to Appeal Ref: APP/R3650/W/25/3362383

Land coordinates 500925 136002 to the north of Miller Lane and Alfold Road, Dunsfold, Godalming, Surrey.

- 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 Robert and Christopher Miller for a partial award of costs against Waverley Borough Council.
 - The appeal was against the refusal of planning permission for outline application with all matters reserved except for scale and access, for the erection of 21 dwellings including 7 affordable dwellings together with allotments, parking, public open space, footpath and associated landscape and new drainage infrastructure.
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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 applicants considers that the Council made vague, generalised or inaccurate assertions about the proposal's impact on the AGLV and landscape character which was unsupported by any objective analysis.
4. Whilst the Council's evidence included references to previous appeal decisions in the locality, these were used support its concerns about the proposal's impact on the landscape character of the area and the AGLV. Reference to other appeal decisions is often used in appeals to support a party's case and the Council's reference to such matters does not demonstrate unreasonable behaviour.
5. The Council described the character of the area, referred to the development plan and drew my attention to the Surrey Landscape Character Assessment to support its case. It also provided an analysis of the effect of the proposal on the character of the area, and I too found harm in this regard. It is not the Council's role to undertake a separate landscape assessment, but to assess that which is submitted, and in doing so it agreed with some of the matters set out in WH Landscape's Landscape and Visual Impact Appraisal, including the degree of containment of the appeal site and that its development would not result in harm to the National Landscape.

6. I have not been provided with information as to why a Landscape Officer was not involved in this case, but that in itself does not demonstrate unreasonable behaviour on the Council's part. I am satisfied that the Council substantiated its concern both in writing and at the Hearing.
7. It is also submitted that the Council should have considered attaching a condition to the surfacing of the footpath across the Common. The National Planning Policy Framework at paragraph 207 makes it clear that in terms of the historic environment that 'The level of detail (submitted by an applicant) should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.'
8. The submitted details of the footpath were limited to a red line showing its route along the Common and plans showing its length and width. No details of surfacing or construction was included. Whilst I have found that this matter could be controlled by planning condition, it was entirely reasonable of the Council to raise the footpath's impact on the significance of designated heritage assets as a concern given the information that was before it at the time of the application, and also to alert me of this fact so that it could be considered as part of this appeal.
9. Even if I had found that the Council had acted unreasonably in this regard I am unclear of the wasted expense that the applicant would have incurred, save for a couple of paragraphs within evidence and alerting me to other footpaths on the Common, which the Council had also drawn my attention to.
10. For the above reasons I find that unreasonable behaviour resulting in unnecessary or wasted expense as set in the PPG has not been demonstrated. For this reason and having regard to all other matters raised, an award of costs is therefore not justified.

RC Kirby

INSPECTOR