
Costs Decision

Site visit made on 22 July 2025

by **V Goldberg BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 September 2025

Costs application in relation to Appeal Ref: APP/R3650/W/25/3363511 Land Centred Coordinates 500833 137030 Between Chennels Cottage And 1 Burdocks, The Green, Dunsfold, Surrey, Godalming GU8 4NB

- 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 JAM Pension Plan for a full award of costs against Waverley Borough Council.
 - The appeal was against the refusal of Ref WA/2024/02467 which sought approval of details pursuant to conditions 1 and 2 of planning permission APP/R3650/WW/22/3300262 (WA/2021/03081) granted on 2 December 2022 for the erection of five self-build/custom build dwellings with associated works.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance 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 for an award of costs was made on the basis that the three reasons for refusal were considered at outline stage. To address this, each reason for refusal is considered below.

Reason one- failure to comply with condition 22 requiring five self-build dwellings

4. Despite there being no requirement for a binding mechanism to secure self-build/custom build (SBCB) dwellings or submit further information, this does not negate the need for the reserved matters to be consistent with the terms of the outline permission. As set out in my decision, the reserved matters fail to identify individual owners and illustrate that they have had primary input into the final design and layout of each dwelling. As such, the applicant has not demonstrated that the dwellings would be SBCB houses and therefore the proposal would fail to comply with condition 22 and be consistent with the terms of the outline permission. The first reason for refusal is therefore reasonable.

Reason two- absence of updated ecological surveys

5. The second reason for refusal alleges that in the absence of updated ecological surveys, insufficient information has been submitted to demonstrate that the proposal would not harm protected species. However, the appeal decision imposed

conditions requiring an Ecological Management Plan, sensitive lighting strategy and Landscape and Ecological Management Plan to suitably mitigate the wildlife interests identified. As a result, protected species and the need for ecological surveys was considered at outline stage. The second reason for refusal was therefore unreasonable.

Reason three- failure to submit updated arboricultural report

6. The final reason for refusal alleges the failure to submit an updated arboricultural report required by condition 17. However, this condition is a pre commencement condition and therefore there is no requirement for an arboricultural report to be submitted as part of the reserved matters. The Council has also failed to substantiate this reason in both the officer's report and appeal statement. As a result, this reason is unreasonable.
7. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred in respect of defending reasons for refusal two and three and a partial award of costs is therefore warranted.

Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Waverley Borough Council shall pay to Jam Pension Plan, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in defending reasons for refusal two and three of WA/2024/02467; such costs to be assessed in the Senior Courts Costs Office if not agreed.
9. The applicant is now invited to submit to Waverley Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

V Goldberg

INSPECTOR