
Costs Decision

Hearing held on 4 September 2025

Site visit made on 4 September 2025

by Timothy C King BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2025

Costs application in relation to Appeal Refs: APP/M3645/C/24/3349803 and APP/M3645/W/24/3345628

Land to the north of Farfield, Green Lane, Shipley Bridge, Surrey 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 Edward Connors Jnr for an award of costs against Tandridge District Council.
 - The appeals were against the Council's decision to issue an enforcement notice against the material change of the use of the land to a residential caravan site, along with associated operational development, and a proposed change of use and associated development for the same.
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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. This costs application is made for a full award of costs, on substantive grounds, against the Council, on the basis that, despite an appeal decision dated 25 July 2025 relating to a similar development on a nearby site, where the Inspector had found that the Council was not able to demonstrate a five year supply of land for gypsy and traveller accommodation, the Council insisted otherwise in its submitted evidence for the current appeal.
4. The application focusses almost wholly on what is considered to be the Council's intransigence here and, whilst I was not wholly convinced in the Council's argument on this matter, there were other substantive issues and material considerations to be factored in and considered in the round.
5. By way of the said previous appeal a temporary planning permission for gypsy and traveller accommodation was allowed on appeal. However, the circumstances there were somewhat different in that the Council had accepted that the site could be termed as Grey Belt land and there was no flood risk issue consequent upon the development.
6. In contrast, my findings on the current appeals regarding matters of development within the Green Belt, the effect on the character and appearance

of the area, biodiversity, flood risk and, not least, who has been, is currently, and will be occupying the site, all compound to weigh heavily against the development. Further, I am not convinced that these issues were adequately addressed by the applicant, and realising the potential for providing additional gypsy and traveller accommodation was outweighed in this instance.

7. Regarding the current case the appeal process was already well under way at the time the previous appeal decision was issued earlier this year and, although the Council did not alter its position on the 5 year land supply issue, it did submit details as to various planning permissions recently granted for gypsy and traveller purposes, which it claimed demonstrated that a previously identified unmet need was being addressed.
8. In the event I disagreed with the Council's stance on this matter as, I have concluded that its change in approach will need time to show clear results as to achieving its aspiration. This does not necessarily mean though, that the Council actually behaved unreasonably incurring unnecessary expense on the applicant wasted expense. I consider that it satisfactorily substantiated the other reasons for issuing the enforcement notice and also the reasons for refusing planning permission.
9. Accordingly, for the reasons given, 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