



Costs Decision

Site visit made on 4 November 2025

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th November 2025

Costs application in relation to Appeal Ref: APP/M3645/W/25/3371822

Chedworth, Coopers Hill Road, South Nutfield, Redhill RH1 5PD

- 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 Dave Kemp for a full award of costs against Tandridge District Council.
 - The appeal was against the refusal to grant permission in principle for the erection on 9 dwellings.
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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 PPG provides examples of unreasonable behaviour including (i) preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; (ii) making vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis and failing to determine similar cases in a consistent manner.
4. The application for costs is based on the claim that the Council's position, that the identified harm significantly and demonstrably outweighed the benefits of the proposal, was misplaced and unreasonable. This argument relies on several points, all of which have been addressed in my appeal decision.
5. While disagreement on the main issues is expected in the planning process, it does not automatically constitute unreasonable behaviour. The council is entitled to defend its position, provided it substantiates its reasons with relevant evidence and applies policy correctly.
6. In this case, the Council considered the Grey Belt, the absence of a five year housing land supply, the benefit of providing nine dwellings, paragraph 110 of the National Planning Policy Framework and the various appeal and planning decisions cited. The officers' report also referred to the lack of objection from the Council's tree officer and clarified that the refusal reason relating to character and appearance correctly addressed the scale of development rather than landscape character or detailed design.

7. The council's assessment was therefore based on relevant development plan policies and material considerations. Its conclusion, that the identified harm significantly and demonstrably outweighed the benefits of the scheme, was a legitimate exercise of planning judgment, supported by evidence and reasoned explanation.
8. Although the appellant disagrees with that conclusion, this does not amount to unreasonable behaviour. The council's position was properly substantiated and cannot be regarded as irrational or lacking in planning basis.
9. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process has not occurred and an award of costs is not warranted.

V Goldberg

INSPECTOR