



Costs Decision

Site visit made on 28 October 2025

by N Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2025

Costs application in relation to Appeal Ref: APP/R3650/D/25/3367807 The Carriage House, Peper Harow Park, Peper Harow, Godalming, Surrey GU8 6BG

- 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 John Barrow for a full award of costs against Waverley Borough Council.
 - The appeal was against the refusal of planning permission for the erection of a replacement glasshouse, potting shed, studio and cold frame with associated landscaping.
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Decision

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

Background

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. Costs applications may relate to events before the appeal.
3. The applicant's costs application rests primarily on the Council's positive pre-application advice. This is insofar as matters which were expressed during the Council's consideration of it were not adequately explored, addressed and indeed, even properly considered in the response that was given.
4. The PPG is quite clear in explaining the value of thoughtful and engaged pre-application discussion prior to the submission of a formal planning application. The benefits of this are set out as offering significant potential to improve both the efficiency and effectiveness of the planning application system and improve the quality of planning applications and their likelihood of success. Even so, such advice is not binding.

Reasons

5. The applicant provided plenty of detail with their pre-application request and there was no ambiguity in its intent. Having been provided with a copy of the Council's pre-application response, I am unable to conclude that it was helpful where pertaining to the matters which were in contention in the appeal. Much of the response comprises a borderline perfect copy and paste reproduction of sections of the National Planning Policy Framework and extracts of development plan policy.

6. There was some valuable commentary in relation to heritage assets. However, the assessment in relation to Green Belt policy and effects on biodiversity and wildlife were scant and unreasoned. The pre-application response is not assisted by the conclusion that “planning officers would be able to support these proposals.”
7. The quality of the pre-application response is particularly concerning here as the information provided by the applicant was of a high standard, unambiguous and made in the good faith that the Council would respond with comparative levels of thought. That the Council did not fulfil its end of the agreement is what concerns me most here. This undermines the value that is implicit in the pre-application process as set out in the PPG.
8. That the relevant Planning Officer changed between the pre-application advice and consideration of the application is of no defence as the Council, as a whole, was not blind to its own pre-application advice as this is referenced in the Officer's Report (OR). The advice is not binding but there is an expectation that it will be the professional advice of an Officer of the Council.
9. The Council has provided a substandard level of service in that it did not provide a clear and authoritative view on the merits of a proposed development. The advice supplied was contradictory at best. It was poor and misguided at worst and, regardless, has clearly resulted in this appeal. Indeed, with higher quality advice, the applicant may have framed their planning application differently.

Other issues

10. In terms of the merits of the application and the Council's consideration of it; there was a fairly slim assessment of the proposal against paragraphs 154-155 of the Framework. Even so, it was considered and the conclusions reached by the Council do not differ to my own. As for the allegations of a potential change of use of the land, whilst this was aired in the OR, somewhat confusingly, it did not feature in the Council's reason for refusal.
11. In relation to the late addition of the second reason for refusal following Surrey Wildlife Trusts comments; it would have been desirable for these to be explored further prior to the decision. However, it seems to me that by this point, the Council had already set itself on a course to refuse permission for the proposal and exploring these matters would not have altered the outcome.
12. The applicant has provided evidence of where costs have been awarded due to a lack of adherence or regard to proper pre-application advice¹. I do note a difference with this case though, in that the cited example highlights that matters appeared to be entirely missed by the Council and although the pre-application advice given here was not sound, the constraints of the site were identified.

Conclusions

13. The quality of advice provided by the Council is unbecoming of the good faith that pre-application advice is entered into, particularly given the clear care and thought that was given to the proposal by the applicant. However, I find that the matters of contention in this case hinge solely upon issues pertaining to the Green Belt and

¹ APP/E2530/W/20/3250439

insofar as it amounts to an inconsistency between the advice given at pre-application stage and the formal decision of the Council on the planning application.

14. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred in respect of the additional expense incurred in defending the reason for refusal relating to Green Belt matters and a partial award of costs is therefore warranted.
15. 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 Mr John Barrow, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in contesting the reason for refusal pertaining to the Green Belt issue; such costs to be assessed in the Senior Courts Costs Office if not agreed.
16. 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.

N Bowden

INSPECTOR