



Costs Decision

Site visit made on 21 January 2026

by **L Gardner MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 February 2026

Costs application in relation to Appeal Ref: APP/R3650/W/25/3375453

Land at Green Lane, Churt, Farnham

- 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 Chapel Hill Homes Ltd for a full award of costs against Waverley Borough Council.
 - The appeal was against the refusal of permission in principle for residential development of between 2 and 4 dwellings.
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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 (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. The PPG states that awards may be either procedural in regard to behaviour in relation to completing the appeal process or substantive, which relates to the planning merits of the appeal. This application is made on substantive grounds.
3. The appellant suggests that the Council (1) delayed development which should clearly have been permitted, having regard to its accordance with the development plan, national policy and any other material considerations (2) has failed to produce evidence to substantiate its reason for refusal and (3) has made vague, generalised or inaccurate assertions about the proposal's impact which are unsupported by any objective analysis.
4. The sole reason for refusal relates to the development being inappropriate development in the Green Belt, specifically that it does not meet grey belt criteria. There is undoubtedly an element of judgement involved as to whether a site meets the National Planning Policy Framework's (the Framework) definition of grey belt.
5. The Council, or more specifically its Planning Committee, refused the planning application against the advice of its professional officers. Whilst a planning committee is entitled to make decisions that are contrary to the officer recommendation, there is an expectation that where this occurs it should show reasonable planning grounds for taking a contrary decision and produce sound, substantive and defensible evidence on appeal to support the decision in all respects. It is not adequate to rely on the reason for refusal wording.

6. The Council's statement outlines that the Council's understanding is that grey belt refers to low quality land such as car parks or filling stations. However, there is no explanation as to how this understanding derives from policies within the development plan, national policy or other material considerations. The minutes from the committee meeting provide no further assessment.
7. I therefore consider that the Council has failed to produce evidence to substantiate its reason for refusal on appeal and has relied on vague and generalised assertions about the proposal's impact which are unsupported by any objective analysis. This has resulted in the appellant having to lodge this appeal and prepare evidence, which would not otherwise have been necessary.
8. For the reasons given above, I therefore conclude that unreasonable behaviour resulting in unnecessary expense has occurred and a full award of costs is therefore warranted.

Costs Order

9. 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 Chapel Hill Homes Ltd, the costs of the appeal proceedings described in the heading of this decision. Such costs to be assessed in the Senior Courts Costs Office if not agreed.
10. 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.

L Gardner

INSPECTOR