



Costs Decision

Site visit made on 25 February 2026

by Jennifer Wallace BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 May 2026

Costs application in relation to Appeal Ref: APP/C3620/W/25/3375003

Land at Old Reigate Road, Betchworth RH3 7DR

- 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 Miss Alice Watkins for a full award of costs against Mole Valley District Council.
 - The appeal was against the refusal of planning permission for erection of a self-build dwelling and associated works.
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Decision

1. The application for an award of costs is refused.

The Submissions for Miss Alice Watkins

2. The costs application was submitted in writing prior to the appeal being considered as a hearing. The application is made on the basis that the Council behaved unreasonably by preventing or delaying development which should clearly be permitted, by providing information that is shown to be manifestly inaccurate or untrue, by making assertions that were unsupported by any objective analysis, by refusing permission on a ground capable of being dealt with by condition, and by objecting on grounds previously indicated to be acceptable. At the hearing, the application was supplemented by the point that additional information provided by the Council regarding self-build housing should have been provided at an earlier stage.

The Response by Mole Valley District Council

3. The Council's response was also submitted in writing. The Council responded at the hearing that they could not have provided the additional information earlier as the need for that information arose as a result of my questions.

Reasons

4. 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.
5. Some specific aspects of the Council's officer report were somewhat unclear, particularly with respect to as to whether the site was being treated as falling within or outwith Betchworth. Given the recently adopted development plan, which reconfirmed the settlement boundary of Betchworth, I consider it was reasonable for the Council to reconsider whether the site should be considered as being within a village for Green Belt purposes. Furthermore, when the section on Green Belt

was read as a whole, it was clear that the Council had had regard to the previous findings at the site. It was also clear they considered the site did not constitute infill, irrespective if this was due to the application of Policies EN1 or EN3. This would be sufficient to conclude the proposal was inappropriate development. While I did not agree with that assessment, I am satisfied that the Council demonstrated a reasonable exercise of planning judgement in its officer report as to why it considered the site was not infill despite the position of surrounding properties and the revised definition of infill contained in the Local Plan.

6. I did not need to assess the proposal against the policies in the National Planning Policy Framework concerning grey belt due to my other findings. However, it was matter considered in evidence and discussed at the Hearing. There is not a specific definition of what constitutes unmet need when assessing proposals against the tests set out in paragraph 155 of the Framework and I also note self-build housing does not fall within the definition set out in footnote 56 of the Framework. Notwithstanding, it would have been helpful for the Council to have addressed those aspects of the appellant's case related to the need for self-build properties more fully at an earlier stage. However, I am satisfied that the applicant has not been put to any wasted expense in this regard, as there were differences of professional opinion at the hearing as to how that need should be assessed such as with respect to geographical area, which I consider demonstrated a reasonable exercise of planning judgement and which both parties adequately addressed at the hearing.
7. While I did not agree with the Council's assessment that outlook from a rooflight would not provide acceptable living conditions for future occupiers of the property, I am again satisfied that the Council's evidence demonstrated a reasonable exercise of planning judgement as to why they considered this to be the case. The previous planning appeals are silent regarding the effect of those proposals on the living conditions of neighbouring occupiers. It cannot be assumed that this means those proposals were acceptable with respect to living conditions.
8. It is possible for steps taken to resolve one issue to lead to subsequent issues, and this is often the case in relation to overlooking and outlook. It is not clear to me how this matter was discussed between the parties while the Council was considering the application, and as such I cannot be certain that the Council has behaved unreasonably in accepting the amended plans.
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10. The third reason for refusal related to protected species. Councils have legal duties with respect to protected species and the site was in an area with a likelihood of great crested newts being present. The presence or otherwise of species is an issue that can change with the passage of time, so its consideration or not in previous appeals would not mean that it would not fall to be considered again. While it would be preferable for validation requirements to be clear and for an applicant to be given the opportunity to address such issues at the planning application stage, I am aware of the pressures facing many local planning authorities and the expectations with respect to timely decisions. It is not uncommon for other outstanding issues to not be addressed where the local planning authority is minded to refuse an application. Given the Council responded appropriately to the evidence submitted with the appeal and withdrew the third

reason for refusal promptly, I am satisfied that there was no unreasonable behaviour with respect to this issue.

11. The fourth reason for refusal related to a lack of information with respect to the existing trees and landscaping on the site. I am not aware of the scale or extent of landscaping on the site at the time of the previous appeals and this is also a circumstance which can alter with the passage of time. The verdant qualities of Betchworth were readily apparent at my site visit and I consider it a reasonable exercise of planning judgement to seek to understand the effect of a proposal on existing trees, even if I did not agree with that assessment.
12. As I am satisfied the Council exercised reasonable planning judgement with respect to reasons 1, 2 and 4, it was not unreasonable for the Council to continue to defend its decision.

Conclusion

13. I find that unreasonable behaviour by the Council resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Jennifer Wallace

INSPECTOR