



Costs Decision

Site visit made on 9 June 2026

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 12th June 2026

Costs application in relation to Appeal Ref: APP/C3620/X/25/3369843

Great Oaks, Snowerhill Road, Betchworth, Surrey, RH3 7AQ

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr P Courtney for a full award of costs against Mole Valley District Council.
 - The appeal was against the refusal of a certificate of lawful use or development for the erection of two outbuildings and the laying out of a hard surface.
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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 appellant argues that the Council were unreasonable in preventing development that should have gone ahead. In particular, following the previous appeal decision for two buildings for 8 cars, the Council received another appeal decision at Upper Oakdale Cottages. In this the Inspector allowed a large garage building for 8 cars which was incidental to a dwelling and plot smaller than this appeal. This, according to the appellant suggested that size was not determinative rather it was function. The building was large but was functionally related to the hobby of car collection and repair and that hobby was reasonably related to the use as a dwelling.
4. The Council persisted in failing to attach any weight to the fact the garages were not just for cars, but for the appellant's hobby. And failed to accept therefore the buildings were necessary and reasonable.
5. Finally the Council were simply wrong to assert that because there was no dwelling there could be no permitted development rights, when it had been pointed out that the application had been made when the dwelling was still there.
6. The Council have not responded to this last issue. They were clearly wrong to assume that because the house was subsequently demolished there were, at the time of the application, no permitted development rights. However, they refused the application for other reasons which I shall consider below.

7. The Council point out they did not receive the Oakdale Cottages appeal decision until after they had dismissed the Great Oaks application. Nevertheless, they dealt with the issues that arose from that decision in their reps to the appeal.
8. Inspector's decisions are material considerations but they are not to be treated as high court judgements, precisely because in the case of Oakdale the Inspector was not opining on any matters of principle but discussing the subjective issue of an incidental use. He found the 8-car garage, in the context of the needs of the appellant, who was a retired racing driver with a bona-fide hobby was acceptable. It was also the only outbuilding in the curtilage. In this case there were 2 buildings, the hobby aspect was different (it appeared to be only storage) and the site already housed a number of other buildings and structures. The Oakdale decision did not suggest that size was not important and I agree with the Council that, regardless of what the use was, they were within their rights to come to a different view on proportionality and scale in this appeal. In particular the appeal proposal before me was not massively different to that recently refused on appeal. Again it was not unreasonable for the Council to consider the 7-car garage to be insufficiently different from the 8-car garage already refused.
9. The Appellant refers to an LDC granted by the Council at Ashlehay¹ for two buildings to house 8 cars on a site smaller than this appeal. I am not sure why this is relevant as it does not seem to feature in their appeal representations. But in any case, it is quite a different case from this appeal. The Council say that since then they have amended the way they consider Class E incidental buildings, implying they were too generous in Ashlehay. That also is their prerogative. Judging from the evidence provided concerning Ashlehay I can understand their change of tack.
10. Taking all this together, although I did not agree with the Council's assessment, it was not unreasonable for them to have reached that view, and the error concerning the date of the application was not fundamental to their case. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Simon Hand

INSPECTOR

¹ MO/2022/1234/PCL Issued 13 July 2022