Planning Inspectorate

Costs Decision

Site visit made on 12 August 2025

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 20th August 2025

Costs application in relation to Appeal Ref: APP/M3645/W/25/3358511
Perry Farm, Leonards Turf Farms, West Park Road, Newchapel, Surrey RH7 6HT

- 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 Mark Beasley for a partial award of costs against Tandridge District Council.
- The appeal was against the refusal of planning permission for the installation of cladding and cart shed doors to existing barn, reinstatement of vehicle access and retention of permeable hardstanding around barn.

Decision

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

Reasons

2. The National Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party which 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.

3. The applicant is seeking a partial award of costs on both procedural and substantive grounds. It is alleged that the Council has acted unreasonably by going beyond the nature of the development proposed which relates solely to operational development and not to any change of usage of the existing barn. Several references to the advice on costs within PPG are referred to.

4. Whilst I have come to a different overall decision than the Council, I have agreed with them that no substantiated evidence has been provided regarding the current use nor the future agricultural need for the barn. As such, the proposal does constitute more than operational development and the Council were not unreasonable in their findings.

5. Nevertheless, the Council have failed to provide an analysis of the proposal against all the possible Green Belt exception criteria within both national and local policy, namely Policy DP13 part E of the Tandridge Local Plan Part 2 Detailed Policies 2014-2029 (July 2014) (TLP) as referred to by the appellant. I consider the lack of analysis to constitute unreasonable behaviour. It has been necessary for the applicant to address the additional exception criteria as part of their appeal documentation and that has resulted in unnecessary or wasted expense.

6. As such, I find that the Council had reasonable concerns regarding the use of the barn and the effect of the proposal on the openness of the Green Belt. However, the failure to address Policy DP13 part E of the TLP has resulted in some unnecessary or wasted expense, as described in the PPG. I therefore conclude that a partial award of costs, to cover the expense incurred by the applicant in addressing Policy DP13 part E of the TLP, is justified.

Costs Order

7. 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 Tandridge District Council shall pay to Mr Mark Beasley, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in addressing Policy DP13 part E of the TLP; such costs to be assessed in the Senior Courts Costs Office if not agreed.

   The applicant is now invited to submit to Tandridge District 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.

K Allen

INSPECTOR