

Costs Decision

Site visit made on 26 September 2016

by H Butcher BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 October 2016

Costs application in relation to Appeal Ref: APP/R3650/W/16/3152555 St Anthony, Avenue Road, Cranleigh, Surrey, GU6 7LL

- 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 J Kopij for a full award of costs against Waverley Borough Council.
 - The appeal was against the refusal of planning permission for the demolition of existing house and construction of a replacement dwelling and garage.
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Decision

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

Reasons

2. 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 submits that the Council failed to apply the presumption in favour of sustainable development as set out in the National Planning Policy Framework (the Framework). The starting point for decision taking, as per paragraph 14 of the Framework, is to approve development proposals that accord with the development plan without delay. It follows, therefore, that proposals that do not accord with the development plan should be refused planning permission.
 4. The Council considered that the proposed development conflicted with the development plan by reason of harm to character and appearance, and the living conditions of occupiers of neighbouring properties. The appellant does not make the case that the relevant policies in the development plan should be considered out-of-date, therefore this does not invoke consideration as to whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (para 14 of The Framework). Notwithstanding this, the Council also found conflict with the Framework for the same reasons as those set out above. These findings supported the Council's conclusion that the proposed development would not constitute sustainable development. I therefore find that the Council had proper regard to the Framework in its consideration of the proposal.
 5. It is also put to me that the Council did not properly assess or substantiate the material impact of the proposal. The reasons for refusal set out in the decision
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notice are complete, precise, specific and relevant to the application. They clearly state the policies of the Waverley Borough Local Plan 2002 that the proposal would be in conflict with. These reasons are further expanded upon and substantiated by the Council in its officer's report.

6. The fact that the Council make comparisons between the proposed development and the extant permission on site (ref WA/2014/2128) helps to explain their reasoning as to why the proposal would be harmful. The officer's report does acknowledge larger developments in the area showing regard to local context, and notes that the proposed garage would be forward of adjacent garaging thereby clarifying their specific concerns in this respect. I therefore find no inconsistency in decision taking on the part of the Council.
7. The appellant states that the distances proposed are in excess of those associated with contemporary housing development. However, no specific examples or standards are referred to. I accept that smaller gaps to boundaries may be common in some residential developments. However, given the overall size and scale of the development proposed, and noting the Council's guidance as set out in their Residential Extensions Supplementary Planning Document (2010), I do not consider the Council's position with respect to the distances from the proposed dwelling to the side boundaries to be unreasonable. Whilst the submitted street scene is a useful aid in consideration of the proposal, it provides only a two dimensional perspective, and does not allow for an appreciation of the depth of the dwelling or its forward siting of the neighbouring property Beechcroft.
8. Based on the above, I consider that the Council had reasonable concerns about the impact of the proposed development which were adequately substantiated, and that the Framework was correctly applied in coming to its decision to refuse planning permission. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in PPG, has not been demonstrated.

Hayley Butcher

INSPECTOR