

Costs Decision

Hearing held on 20 September 2016

Site visit made on 20 September 2016

by J Dowling BA(Hons) MPhil MRTPI

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

Decision date: 23 November 2016

Costs application in relation to Appeal Ref: APP/Y3615/W/16/3147476 Goodhart-Rendel Community Hall and land to the rear, Cranmore Lane, West Horsley KT24 6BT

- 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 Black Oynx Developments Limited for a full award of costs against Guildford Borough Council.
 - The hearing was in connection with an appeal against the refusal of planning permission for demolition of the existing community hall and redevelopment of the site to deliver a mixed use scheme including a new community hall, six detached residential dwellings, access, parking, landscaping including provision of temporary portacabin for the community hall during the period of works.
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Decision

1. The cost application is refused.

Reasons

2. National Planning Policy Guidance (the PPG) advises that costs may be awarded against a party who has acted unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeals process. Claims can be procedural- relating to process; or substantive – relating to the issues arising from the merits of the appeal.
 3. The PPG states that costs may be awarded in circumstances including preventing or delaying development which should clearly have been permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
 4. This application has been made by the appellant on a substantive basis. They contend that that the development has been delayed and is one that should have been permitted as the Green Belt boundary as defined by development plan is out of date and the proposal would be in accordance with national planning advice and in any event there would be other material considerations including an acknowledged lack of five year housing land supply and the community benefit of re-providing a community hall which when taken into the planning balance would justify the proposal.
 5. However, for the reasons outlined in my decision letter I have concluded that the Green Belt boundary as defined by the development plan is not out of date and that as a result the proposal would be contrary to the development plan and national planning advice. Furthermore, on the basis of the evidence before me the other material considerations which were considered as part of the
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planning balance would not justify the proposal. Accordingly, the appellant has not incurred unnecessary or wasted expense as a result of the Councils actions.

Conclusion

6. I conclude therefore that unreasonable behaviour resulting in unnecessary or wasted expense as described in the PPG has not been demonstrated. Accordingly, the application for costs fails.

Jo Dowling

INSPECTOR