

Costs Decision

Site visit made on 29 March 2017

by Elizabeth Lawrence BTP MRTPI

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

Decision date: 5 April 2017

**Costs application in relation to Appeal Ref: APP/A3655/D/17/3167489
Land at 30 Oak Tree Road, Knaphill, Woking, Surrey, GU21 2SB.**

- 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 Woking Borough Council for a full award of costs against Mr Richard Osbourne.
 - The appeal was against the refusal of planning permission for a single storey rear extension and a first floor rear/side extension over an existing ground floor extension/garage.
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Decision

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

Reasons

2. The Planning Practice Guidance 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. Appellants are at risk of a substantive award of costs against them if the proposed development is clearly not in accordance with the development plan and no other material considerations such as national planning policy are advanced that indicate the decision should have been made otherwise.
3. The Council has suggested that the submission of the Appeal amounted to unreasonable behaviour on the part of the Appellant, as it had no reasonable prospect of success. Whilst, I share most of the Council's concerns regarding the proposed scheme, matters of judgement can be subjective when dealing with issues such as design and living conditions. In this instance the Appellant clearly felt that the design and impact of the proposed extension complied with current planning policy and was directly comparable to other developments in the area. As such the Appellant's decision to lodge an appeal was not unreasonable.
4. I do consider that the appellants costs ground relating to the determination of the application within the eight week target time was unreasonable. The Appellant was fully aware of the officers concerns regarding the amended plans by 26 October 2016. As such, had the Appellant wanted the application to be determined at the 15 November Committee meeting, they had ample time to request that it was called in by an elected Member.

5. Despite this, the Council were able to adequately deal with this costs ground in a single paragraph and the issue overlapped in the exchange of emails relating to the merits of the appeal scheme. As such any costs incurred by the Council in dealing with this one point would be negligible.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Elizabeth Lawrence

INSPECTOR