
Costs Decision

Site visit made on 8 May 2017

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 1st June 2017

Costs application in relation to Appeal Ref: APP/R3650/W/16/3165932 18-22 St Christopher's Road, Haslemere, GU27 1DQ

- 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 S2 Development Ltd for a full award of costs against Waverley Borough Council.
 - The appeal was against the refusal of planning permission for the erection of 5 no. dwellings following demolition of existing former commercial buildings and dwelling.
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The applicant contends that the Council has acted unreasonably in that Council Officers recommended that planning permission be granted, but that Council Members took a different course of action which was based on concern around a lack of off-street parking which was expressed indirectly under the guise of a character and appearance issue. The applicant also contends that Members sought to use the presence of a 5-year housing land supply to in respect of a means to control the amount of development and that they did not properly assess the merits of the application which should have been clearly permitted.
4. I have reviewed the submitted evidence in respect of the application for costs and I have viewed the proceedings at the Southern Planning Meeting 23 November 2016, via the YouTube link.
5. Comments were raised during the course of the application in respect of the number of parking spaces to be provided and as such this was a relevant matter for discussion at the meeting. As part of this, two alternative schemes were discussed in respect of the provision of 8 spaces, or with the provision of 10 spaces. Council Officers also referenced the conclusions of the previous Inspector¹ who found no harm in respect of the provision of 10 spaces.
6. It is clear from the footage that, based on the amended plan showing the provision of 10 spaces, Members, in refusing the proposed development solely

¹ APP/R3650/W/15/3132533

on character and appearance grounds, did not consider that parking was a concern. This was confirmed when the motion to refuse was discussed, as clarification was sought in respect of whether it related to the plan showing 8 spaces or 10 spaces.

7. There is no evidence of the applicant's assertions that the effect of the development on character and appearance was used as a means to refuse on other grounds or that Members predetermined to use the matter of parking standards as a means to determine whether the appeal proposal was an overdevelopment. In considering the issues, the focus of the discussion during the meeting clearly related concerns regarding the size, scale and the massing of the development, separately to their discussion on parking. Members do not have to accept the advice of their Officers and in finding harm, they were fully entitled to give this issue weight as a matter for the decision maker.
8. As part of such discussions, the number of units proposed was deliberated, and some Members felt that a scheme of 4 dwellings would be more appropriate. It was clear that this related to their concerns regarding the overdevelopment of the site. Members did acknowledge some benefits of the scheme in respect of its location. The merits of the scheme were also clearly articulated within the Officer Report.
9. In considering that the development would adversely affect the character and appearance of it was clear that Members felt that there should be no pressure to approve development they considered harmful. At that time the Council were satisfied that a 5-year housing land supply could be demonstrated and as such, there was no need to apply the tilted balance as required by paragraph 14 of the National Planning Policy Framework (the Framework). This position has recently been amended, following the determination of a number of Appeals on this matter. However, based on the information available and the position at that time, in refusing consent against relevant design policies of the development plan, I find no error in their approach.
10. Overall, I therefore find that there is no unreasonable behaviour in this respect, and as such there can be no question that the applicant was put to unnecessary or wasted expense.

Conclusion

11. I therefore conclude that, while the appeal has succeeded, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. Therefore, the application should be refused and no award is made.

C Searson
INSPECTOR