The Planning Inspectorate

Costs Decision

Site visit made on 4 July 2017

by Amanda Blicq BSc (Hons) MA CMLI

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

Decision date: 08 August 2017

Costs application in relation to Appeal Ref: APP/Y3615/W/17/3171076
107 Poyle Road, Tongham, Farnham GU10 1DY

- 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 D Traylen for a partial award of costs against Guildford Borough Council.
- The appeal was against the refusal of the Council to grant planning permission for demolition of existing buildings and erection of nine dwellings.

Decision

1. The application for a partial award of costs is refused.

Reasons

2. Paragraph 030 of 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.

3. Paragraph 049 of the PPG explains that local planning authorities are at risk of an award of costs if they behave unreasonably with regard to the substance of the matter under appeal, for example by preventing or delaying development which should clearly be permitted having regard to the development plan and other material considerations, by failure to produce evidence to substantiate the reasons for refusal, and by giving vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by objective analysis.

4. The appellant applied for the construction of nine dwellings outside the current settlement boundary at Tongham, in an Area of Great Landscape Value (AGLV). The Council's first reason for refusal states that the development would result in the further spread of development to the south, in a part of the site that is of greater landscape and visual sensitivity. In addition, the development would fail to respect the pattern, form or character of the surrounding development and would fail to protect the distinctive landscape character of the AGLV. This is a clear reason for refusal and I am not satisfied that it could be considered vague, generalised or inaccurate. I appreciate that the reasoning is limited but it was sufficient to enable me to identify the issues for consideration in my decision. The reasons for refusal are also amplified in the Council's statement of case and support those given in the reasons for refusal.

5. There have been two earlier and successful appeals for development at 107 Poyle Road. The appellant argues that the Council did not take the

reasoning of those Inspectors into account in its assessment of the impact of this development. However, each of those appeals was for fewer dwellings, located on a reduced site area compared to this appeal. The spread and quantum of development for this appeal is significantly increased compared to those appeals and development would be extended beyond the extent of domestication of neighbouring gardens. As such, those appeals are not directly comparable, and I give this argument little weight.

6. Furthermore, the officer's report notes that the proposal would extend the influence of the development over a greater part of the site and further towards the open agricultural land to the south. Although it is clear that this report considers the latest extant permission to be a material consideration, it identifies the differences between the extant permission and this appeal, concluding that the design of development in the extended southernmost portion of the site would need to be considered carefully at reserved matters stage.

7. I concur with the appellant that the rear portion of the site is not worked or open agricultural land. However, although I concluded that this section of the site is neither agricultural nor residential, I disagree with the appellant that that the entire site should be considered part of the settlement. Furthermore, I am not satisfied that use of this terminology in the officer's report is significant enough to represent unreasonable behaviour and in any case, as reasoned above, the decision notice does not lack clarity.

8. I am aware that the application was recommended for approval by the Council's officers. However, it is well documented that planning authorities are not bound to adopt the advice given by their officers, but are expected to show they had reasonable planning grounds for taking a decision contrary to such advice, and to produce relevant evidence to support their decision.

9. Consequently, I do not find that the Council has acted unreasonably, and nor do I consider there has been wasted expense. I therefore find that unreasonable behaviour resulting in wasted expense, as described in the PPG, has not been demonstrated. A partial award of costs is not justified.

Amanda Blicq

INSPECTOR