



Costs Decision

Site visit made on 9 October 2017

by S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI

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

Decision date: 31st October 2017

Costs application in relation to Appeal Ref: APP/Y3615/W/17/3179179 Land at Frog Grove Lane, Wood Street Village GU3 3EZ

- 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 Evans for a full award of costs against Guildford Borough Council.
 - The appeal was against the refusal of planning permission for a change of use of land from agricultural to Suitable Alternative Natural Greenspace, with associated fencing, access works, car park and highways access.
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Decision

1. The application for costs is refused.

Reasons

2. The 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 appellant's application sought to contend that the proposal was not inappropriate development in the Green Belt. The Council did not agree. Nevertheless, officers were prepared to recommend that the scheme should be approved on the basis that there were other considerations which clearly outweighed the harm by reason of inappropriateness. The officers considered that the very special circumstances necessary to justify the proposal were met. The report presented to Members was comprehensive and set out the officers' professional view in relation to the material considerations to be taken into account in the planning balance.
4. The PPG advises that planning authorities are not bound to accept the recommendations of their officers. However, if officers' professional advice is not followed, the Council will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence to support its reasons in the event of an appeal.
5. In assessing the scheme Members gave limited weight to the emerging Local Plan, notwithstanding the fact that the Council had approved it for consultation. They also gave more weight to matters raised by local residents, than their officers. The matter of whether or not a scheme has met the test of 'very special circumstances' is a matter of planning judgement. Whilst, for reasons set out in my decision letter, I have concluded that the scheme is justified, it

was not unreasonable for Members come to a different view. Furthermore, the Council provided detailed reasons to support its decision that the other considerations in the case did not amount to very special circumstances.

6. The appeal was therefore unavoidable and the appellant has not incurred unnecessary or wasted expense in the process. On the contrary, any costs he has incurred enabled him to provide additional information for me to take into account in assessing the scheme. He was also able to present his case on the basis that it would be inappropriate development in the Green Belt and therefore knowing that the other considerations would be critical to the outcome of the appeal.

Conclusion

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. An award of costs is therefore not justified.

Sheila Holden

INSPECTOR