
Costs Decision

Site visit made on 14 November 2017

by Grahame Gould BA MPhil MRTPI

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

Decision date: 4th December 2017

Costs application in relation to Appeal Ref: APP/R3650/W/17/3179227 15 Crondall Lane, Farnham GU9 7BG

- 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 Mrs Philly Hook for a full award of costs against Waverley Borough Council.
 - The appeal was against the refusal of planning permission for the erection of a dwelling and creation of new vehicular access off Parfitts Close.
-

Decision

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

Reasons

2. The Planning Practice Guidance (the PPG) advises in its section on appeal costs that these 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.
3. A full award of costs is sought by the applicant on a substantive basis. It is contended that the Council did not pay due regard to the fallback position available to the applicant for the siting of a caravan as an alternative to the appeal development. The applicant argues that had full regard been paid to the fallback position then the Council should have concluded that a bungalow would have less of an effect on the area's character and appearance. Accordingly it is submitted that the Council disregarded a material consideration and acted unreasonably in refusing planning permission for the development.
4. In determining the appeal I have found that the development would be harmful to the character and appearance of the area and that the significance of the fallback position has been overstated by the applicant. The reason for refusal was therefore justified, with the appeal case made by the Council substantiating it.
5. Having regard to the provisions of the PPG, most particularly paragraphs 028, 030 and 049 (the first and second bullet points), I find that it was reasonable of the Council to have refused planning permission. An award of costs is therefore unjustified.

Conclusion

6. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. The application for an award of costs is therefore refused.

Grahame Gould

INSPECTOR