



Costs Decision

Site visit made on 8 November, 2017

by G. Rollings, BA(Hons) MA(UD) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th March, 2018

Costs application in relation to Appeal Ref: APP/Q3630/W/17/3179879 Land between 314 and 316 Stroude Road, Virginia Water, GU25 4DB

- 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 Alan Bell (Prestige Quality Homes) for a full award of costs against
 - The appeal was against the refusal of planning permission for the erection of a pair of semi-detached dwellings with off-street parking.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) 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.¹ In considering the Green Belt issues relating the proposed development, the Council took account of the outcome of the earlier appeal for the site.² However, the Council did not agree with the findings of that decision, and this is reflected in officer report, which sets out a clear and detailed assessment of this matter.
3. The PPG suggests that a Council persisting in objections to elements of a scheme previously indicated as acceptable by an Inspector could be grounds for an award. However, the Council set out in its evidence that it considered the Inspector to have 'misdirected' herself – or in my interpretation, to have erred in her own interpretation of adopted policy. This is despite a letter³ from the Planning Inspectorate stating that it did not consider the Inspector to have made an error in her assessment of that appeal.
4. The absence of a clear 'village' definition within adopted policy is a further matter for consideration, and one that could reasonably contribute to different interpretations of the issue, as has been the case. Despite the Thorpe boundary designation in Policy GB2 of the *Runnymede Borough Local Plan* (2001), there is nothing in the policy to preclude the definition of other settlements as villages.

¹ PPG "Appeals", paragraph 028, reference ID: 16-028-20140306; revision date: 06 03 2014.

² Appeal Ref: APP/Q3630/W/16/3161692; date of decision: 3 March 2017.

³ Dated 12 April 2017.

5. In light of this lack of certainty, it was reasonable for the Council to return to its own interpretation of the policies in its assessment of the application. It does not necessarily follow, as the applicant asserts, that it was prematurely determining the outcome of any legal challenge. Moreover, although the Council arrived at a different outcome to that of the previous and current appeals for this site, it is not evident to me that it erred in its responsibility to properly assess the proposal in accordance with its Local Plan and other policy.
6. The Council has provided further evidence in its costs rebuttal relating to the matter of whether the land is within a village, but as this is part of the evidence base for its Local Plan revision and has not yet been tested as part of the Local Plan examination process, I have not given this significant weight.
7. I do not consider that the Council unreasonably delayed development through its proper consideration of the resubmitted application, or that it did not take proper account of the previous appeal decision. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. For the reasons given above, I refuse the application for an award of costs.

G Rollings

INSPECTOR