
Costs Decision

Site visit made on 4 June 2018

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 2 July 2018

**Costs application in relation to Appeal Ref: APP/A3655/W/18/3194680
Land at Copthorne Meadows Farm, Chobham Road, Knaphill, Woking
GU21 2TU**

- 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 W Dunphy, WJ Dunphy Developments Ltd for a full award of costs against Woking Borough Council.
 - The appeal was against the refusal of planning permission for the construction of 2 no. detached houses on site of existing buildings to be demolished.
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Decision

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

Reasons

2. The Planning Practice Guidance (the PPG) advises that costs may be awarded against a party who has behaved unreasonably, in either a procedural or substantive way, and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
 3. It sets out that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing planning applications which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations. It also expects all parties to conduct themselves reasonably during the determination of applications and indicates that behaviour and actions at the time of the planning application can be taken into account in deciding whether to make an award.
 4. I appreciate that the outcome of the application may have been a disappointment to the appellant. However, elected members are not duty bound to follow the advice of their professional officers, so long as it is clearly demonstrated on planning grounds why a proposal is unacceptable and there is clear evidence to substantiate that reasoning.
 5. The Council made a respectable case in its appeal statement. It focused on enclosure, siting and height as the aspects which led it to conclude that the proposed development would have a greater impact on the openness of the Green Belt than the existing situation. Its conclusion was based on a reasonable assessment of the spatial and visual impacts on openness. It differed from my assessment; however, it was not unreasonable in reaching its conclusion, which was based on local and national planning policy.
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6. I was not present at the Committee meeting, so while I note the appellant's claims regarding the discussions leading to the refusal of the application, I am not in a position to judge whether the elected members' behaviour was unreasonable in this regard.

Conclusion

7. I conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is not therefore justified.

Patrick Whelan

INSPECTOR