



Costs Decision

Hearing Held on 26 June 2019

Site visit made on 26 June 2019

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2019

Costs application in relation to Appeal Ref: APP/R3650/W/19/3221996 South Side Of The Street, Dockenfield GU10 3EF

- 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 Kathy Edgington for a full award of costs against Waverley Borough Council.
 - The hearing was in connection with an appeal against the refusal of planning permission for erection of a temporary rural workers dwelling together with commercial stables, an administration/store building and associated works; change of use from agricultural to commercial equestrian use.
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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. The application for costs seeks a full award on procedural¹ and substantive grounds².
3. The appellant states that the Local Planning Authority (LPA) was unreasonable and the refusal was unnecessary as the LPA's reason for refusal made unsubstantiated assertions about the proposal's impact on the landscape character and failed to consider the technical and professional assessment by the appellant's landscape consultants and other evidence provided. The appellant states that the LPA failed to undertake a proper balanced assessment as required by planning legislation of the proposal's compliance with all relevant planning policies and other material considerations despite a professionally prepared application that addressed the LPA's concerns arising from the pre-application advice and the previously refused application on the appeal site³.
4. In this case, the reason for refusal set out in the decision is complete, precise, specific and relevant to the application. The reason for refusal clearly states the policies of the Waverley Borough Local Plan 2002 and the Waverley Borough

¹ Planning Practice Guidance: Paragraph: 047 Reference ID: 16-047-20140306

² Planning Practice Guidance: Paragraph 049 Reference ID 16-049-20140306

³ WA/2017/1332

Local Plan Part 1: Strategic Policies and Sites 2018 that the proposal would conflict with.

5. The reason for refusal has been adequately substantiated by the LPA in its officer report. The officer's report demonstrates the LPA's view regarding how the proposal would affect the character and appearance of the area, including the landscape character and quality of the Surrey Hills (Waverley Borough) Area of Great Landscape Value (AGLV), using the evidence submitted by the appellant, third party representations and the LPA's consultee observations. The officer's report makes specific reference to the appellant's submitted landscape and visual appraisal and the impact on the landscape character of the area. The officer's report also sets out clearly how the proposed development was considered to be materially different to the previously refused scheme on the site and the equestrian scheme on the land to the west of the appeal site⁴.
6. I appreciate the appellant's concerns regarding the Council's responsiveness and the delays in processing the application. However, the LPA's submission and supporting evidence clearly shows that the LPA actively engaged with the appellant during the pre-application and application process and carried out their duty to assess the development proposal as submitted. The LPA are not bound by the officer's pre-application advice in making their final decision.
7. It will be seen for the reasons set out in my appeal decision, I concur with the LPA in this case that there were sufficient grounds for refusal relating to the harm caused by the proposed development to the character and appearance of the area having particular regard to the site's location within the AGLV. I came to that decision based on my consideration of the details and merits of the development, having regard to all the evidence and other matters raised. Accordingly, I consider that the LPA has shown that it was able to substantiate its reason for refusal and cannot agree that the LPA has acted unreasonably in this case.
8. I therefore find that unreasonable behaviour by the LPA resulting in unnecessary or wasted expense which would lead to an award of costs, as described in the PPG, has not been demonstrated.

David Troy

INSPECTOR

⁴ APP/R3650/W/17/3189622 and APP/R3650/W/17/3189623