
Costs Decision

Site visit made on 21 May 2019

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2019

**Costs application in relation to Appeal Ref: APP/Y3615/W/18/3219288
Spinney Stables, Land to the east of Outdowns Lodge, Outdowns,
Effingham KT24 5QN**

- 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 Guildford Borough Council for a full award of costs against Ms Sumi Wang.
 - The appeal was against the refusal of planning permission for a development described as "Planning application for the erection of 1x4 bed dwellinghouse with hard and soft landscaping and refuse storage".
-

Decision

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

Reasons

2. The Planning Practice Guidance 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.
3. The application for costs relies on substantive matters relating to the planning merits of the appeal. The Council asserts that the appellant has submitted the appeal, following a previous appeal which found that a scheme for two dwellings on the site was not acceptable. Whilst the previous scheme was found to be inappropriate development in the Green Belt, the appellant has advanced what are considered to be very special circumstances in order to attempt to justify the development. Whilst I have found that these matters are insufficient to amount to the very special circumstances necessary to justify inappropriate development in the Green Belt, this is essentially a matter of planning judgment. The appellant has advanced arguments in support of the appeal and, whilst I have disagreed, I consider that there was no unreasonable behaviour in this respect.
4. The scheme that has been submitted is also sufficiently different from that which was previously considered at appeal, in that the number of dwellings has been reduced from two to one and the design has been altered. Clearly these amendments were attempts to overcome the concerns of the previous Inspector when dismissing that appeal. Consequently, I do not consider that the appellant has been unreasonable in pursuing the appeal.
5. I note that the Council refer to the appellant not seeking pre-application advice prior to submitting the planning application. However, the appellant is

professionally represented and as such I do not consider her proceeding, without availing herself of advice from the Council prior to submitting the application, was unreasonable.

6. I therefore 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 therefore not justified.

Martin Allen

INSPECTOR