
Costs Decisions

Site visit made on 23 July 2019

by Sarah Dyer BA BTP MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 21st August 2019

Costs application in relation to Appeal Ref: APP/R3650/W/19/3222851 Bri Enda, 54 Summers Road, Godalming GU7 3BD (Appeal Scheme A)

- 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 Bourne Homes Ltd for a full award of costs against Waverley Borough Council.
 - The appeal was against the refusal of planning permission for demolition of existing house and erection of 7 new houses with associated parking and widening of existing vehicular access.
-

Costs application in relation to Appeal Ref: APP/R3650/W/19/3227860 Bri Enda, 54 Summers Road, Godalming GU7 3BD (Appeal Scheme B)

- 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 Bourne Homes Ltd for a full award of costs against Waverley Borough Council.
 - The appeal was against the refusal of planning permission for demolition of existing house and erection of 6 new houses with associated parking and widening of existing vehicular access.
-

Decisions

1. The applications for an award of costs in respect of Appeal Ref: APP/R3650/W/19/3222851 and Appeal Ref: APP/R3650/W/19/3227860 are refused.

Reasons

2. The Planning Practice Guidance (PPG) advises, amongst other things, 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 PPG states that local planning authorities are at risk of a substantive award of costs if they prevent or delay development which should clearly be permitted, or they refuse planning permission on a planning ground capable of being dealt with by conditions.
4. My decision makes it clear that I agree with the Council that in respect of Appeal Scheme A the development would be contrary to the Development Plan in relation to the storage of waste, the provision of off-street car parking and its impact on the living conditions of neighbouring occupiers. Similarly, it is evident from my decision in respect of Appeal Scheme B that the development

would be contrary to the Development Plan in respect of the provision of off-street car parking and the arrangements for the storage and collection of waste. It follows that the appeal scheme does not amount to development which should clearly be permitted and, that being the case, the Council did not unreasonably prevent or delay the development.

5. It will be seen from both decisions that I have not concluded that suitable conditions would enable the proposed development to go ahead. Therefore, the reasons for refusal were not capable of being dealt with by conditions.

Conclusion

6. I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has not been demonstrated.

Sarah Dyer

Inspector