



Costs Decision

Site visit made on 23 July 2019

by Stephen Wilkinson BA BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 September 2019

Costs application in relation to Appeal Ref: APP/D3640/W/19/3226619 41 Mincing Lane Chobham GU24 8RS

- 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 Kim Leaver for a full award of costs against Surrey Heath Borough Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for the erection of a single storey side and rear extension, two storey side and rear extension, and roof alteration to the rear.
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Decision

1. The application for the award of costs is dismissed.

Reasons

2. Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may be only awarded against a party which has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expenditure in the appeal process.
3. The application is framed around procedural grounds. These grounds can be summarised as concerns over the Council's late requests for additional information and in seeking to ascertain the applicant's intentions regarding the extant permission on the day before the date of expiry of the statutory period for the decision.
4. I understand the applicant's frustration in having no contact with the Council until 2nd April 2019, the 54th day of the 'statutory period', when requests were made which necessitated further work. However, the nature of the requests were not unreasonable given the site's location within the Green Belt. Despite this delay it was not unreasonable for the Council to make this request and make a further request seeking the applicant's views, the following day, for an extension of time. The applicant's response on this point in her agent's email of 8th April 2019 did not clearly state whether they would proceed to appeal. Accordingly, the LPA proceeded to make a decision without knowledge of the applicant having decided to lodge one.

5. The applicant makes reference to other matters relating to 'trespass' and 'potential breaches' of the Data Protection Regulations. I have no evidence before me regarding these matters and they are not material to this application for an award of costs. Accordingly, I have not taken them into account in framing my decision.

Conclusions

6. Although I find that the Council was slow in contacting the applicant with its requests, it did not act unreasonably and I do not consider that unnecessary expenditure resulted. I therefore dismiss this appeal.

Stephen Wilkinson

Inspector