



Costs Decision

Site visit made on 27 August 2019

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2019

Costs application in relation to appeal ref. APP/R3650/W/18/3212907 Land at Alfold Farm Bungalow, Loxwood Road, Alfold, Cranleigh GU6 8HP

- 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 Ryan Crumley (Dollar Enterprise Ltd) for a full award of costs against Waverley Borough Council.
 - The appeal was made against the refusal of planning permission for "*Erection of terrace of 5 new build dwellings following demolition of existing dwelling; revised application (further to application WA/2017/2286) in the alternative to extant permission granted under WA/2017/0758 for Erection of an extension to existing dwelling to provide 2 additional dwellings*".
-

Costs decision

1. The application for a full award of costs is refused.

Reasons for the costs decision

2. The Government's Planning Practice Guidance (the Guidance) advises that all parties in appeals are expected to behave reasonably to support an efficient and timely process and that where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.
3. This application for costs has been considered on its merits in the light of the costs advice found within the Guidance, the appeal papers, the costs correspondence and all the relevant circumstances relating to the planning application and to the appeal. The parties are also referred to my appeal decision.
4. The appellant has produced various extracts from the Guidance and highlighted some of the text. Very little commentary is actually offered to fully cross-reference the specific facts of the case to the Guidance. The application for an award of costs is particularly aimed at reasons for refusal 2, 3 and 4 and is said to be made on both a procedural basis and a substantive basis. The gist of the case is centred on the decision of the Planning Committee, taken contrary to their officers' professional advice, which is said to have created reasons for refusal that are spurious, contrived and untenable and at odds with adopted planning policies.
5. There is no procedural basis for an award of costs. The Council has not prolonged the proceedings by introducing a new reason for refusal. I am not aware of any information the Council has provided which has been shown to be

- manifestly inaccurate or untrue. The Council exercised its duty to determine the planning application in a reasonable manner.
6. All 4 reasons for refusal involved matters of judgement and Councillors were entitled to reach a different conclusion from their officers, providing there were reasonable grounds for doing so. The Council's reasons for refusing planning permission did not lack substance or objectivity. The Council's written statement was supported by various planning facts with reference being made to relevant development plan policies and the National Planning Policy Framework. In my appeal decision it will be seen that 3 of the 4 reasons for refusal fully stood up to scrutiny on the planning merits of the case.
 7. Even though I did not take on board the other one, reason for refusal 3 (drainage), this was very much on balance on the face of the evidence before me. The Council cannot be criticized for taking the view that the proper planning of the site required a feasible drainage strategy. It plainly does, although I preferred to achieve this through 2 planning conditions. The imposition of those conditions would not have enabled the proposed development to go ahead given the remaining adverse impacts upon the locality, neighbours and the conservation area.
 8. There is no substantive basis for an award of costs. The Council's approach to the available facts did not fully match any of the types of behaviour listed in the Guidance that may give rise to a substantive award against a local planning authority.
 9. The Guidance advises that where a local planning authority has refused a planning application for a proposal that is not in accordance with the development plan policy, and no material considerations including national policy indicate that planning permission should have been granted, there should generally be no grounds for an award of costs against the local planning authority for unreasonable refusal of an application. That is plainly the scenario before me in this case.
 10. This application for costs falls short of demonstrating that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has occurred. An award of costs is not justified.

Andrew Dale

INSPECTOR