



Costs Decision

Site visit made on 11 October 2019

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2019

Costs application in relation to Appeal Ref: APP/D3640/W/19/3232074 Wyvern House, 55 Frimley High Street, Frimley, Camberley, GU16 7HJ

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Wyvern Development Holdings Ltd for a full award of costs against Surrey Heath Borough Council.
 - The appeal was against the refusal of planning permission for the extension and conversion of the second floor and roof space, with change of use of building from B1 (office) to C3 (residential), to form 42 dwellings with associated parking, cycle stores, bin stores and landscaping.
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Decision

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

Reasons

2. Planning Practice Guidance ("PPG") advises that parties in planning appeals and other planning proceedings normally meet their own expenses. However, 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. PPG states that one of the aims of the costs regime is to ensure that local planning authorities properly exercise their development management responsibilities, to rely only on reasons for refusal which stand up to scrutiny on the planning merits of the case.
3. The proposed development was bought forward following the refusal of a previous scheme and following pre application advice. It was recommended for approval by planning officers, but this recommendation was ultimately overturned by members of the planning committee and planning permission was refused.
4. The refusal of planning permission draws attention to the increased quantum of built form on the site and the effect this would have on the established character and appearance of the area. In the Council's appeal statement it elaborates on its concern, namely that the proposal would noticeably add to upper floor bulk of the building, in relation to the lower building height and density of the existing development that surrounds it.
5. As the planning appeal decision makes clear, this is a significant issue with the proposed development. In particular, the effect on Maybury Close is of a magnitude that justifies the refusal of planning permission. The Council, correctly in my view, identified a conflict with the development plan. It

substantiated its position at appeal and did not prevent or delay development which should clearly be permitted.

6. Regarding the concern about a 'hard urban form' the Council explained the basis for this remark, citing supplementary planning guidance which seeks to ensure that landscaping is provided where building mass is intensified. Whilst I found that, in this case, the landscaping proposed would be sufficient, this is a matter of planning judgement. The Council did not act unreasonably in raising the issue, particularly when considered in addition to the other harm identified.
7. In consequence, I cannot agree that the Council acted unreasonably in refusing planning permission or defending the appeal. As such the applicant was not put to unnecessary or wasted expense in pursuing the appeal. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in PPG, has not been demonstrated. An award of costs is not justified.

Neil Holdsworth

INSPECTOR