
Costs Decision

Site visit made on 10 December 2019

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2020

Costs application in relation to Appeal Ref: APP/R3650/W/19/3237325 25 Middle Bourne Lane, Lower Bourne, Farnham GU10 3NH

- 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 Harvey Gudge for a full award of costs against Waverley Borough Council.
 - The appeal was against the refusal of planning permission for the erection of a single dwelling along with additions to existing dwelling and car parking and associated works.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, 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. The application needs to clearly demonstrate that this is the case, as parties in planning appeals normally meet their own expenses.
3. The PPG provides examples of unreasonable behaviour by local planning authorities. This includes both procedural matters and substantive matters, such as preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and other considerations; failure to produce evidence to substantiate the reason for refusal on appeal; and vague and generalised or inaccurate assertions about a proposal's impact which are unsupported by an objective analysis.
4. The applicant contends that the Council refused planning permission due to the weight of opposition and has failed to take on board the recommendations of its officers, which addressed the issues raised by local residents. The applicant states that he has unreasonably been forced to appeal.
5. The Council's decision notice of 8 August 2019 includes a single reason for refusal, which relates to the effect of the proposed development on the character and appearance of the area. The refusal reason refers to amenity space and parking arrangements of the proposed development and it is therefore specific and relevant to the application. It also clearly states the policies of the development plan that the proposal would conflict with.
6. The decision taken was contrary to the recommendation of Council officers. Nevertheless, Council members are not bound to accept the recommendations

of their officers, though they must act rationally on the basis of valid material planning considerations in doing so. The effect on character and appearance is inevitably a matter of planning judgement. The planning system is designed to enable a balanced view to be taken in that respect, with regard to all representations made. There is nothing of substance to support the appellant's contention that the Council was unduly or inappropriately swayed by local opposition in that context.

7. Whilst I have formed my own view and allowed the appeal, this is based on my own observations and the evidence as put to me by the parties.
8. Taking the above into account, I conclude that it has not been demonstrated that the Council behaved unreasonably or that it caused unnecessary or wasted expense for the applicant in the appeal process as a result.

Conclusion

9. For the reasons given above, I determine that the costs application should fail and no award is made.

C Osgathorp

INSPECTOR