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## Costs Decision

Site visit made on 4 February 2020

**by Mr D.R McCreery MA BA (Hons) MRTPI**

**An Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 24 February 2020**

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### **Costs application in relation to Appeal Ref: APP/A3655/W/19/3239433 Land adjoining 2-12 Rydens Way, Woking GU22 9DW**

- 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 William Lacy Group Limited for a full award of costs against Woking Borough Council.
  - The appeal was against the refusal planning permission for the erection of an extension to 2-12 Rydens Way to contain four flats (2x1-bedroom and 2x2-bedroom) as well as associated access, stairwell and amenity space.
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### **Decision**

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

### **Reasons**

2. Paragraph 030 of the Planning Practice Guidance advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. Paragraph 049 of the Planning Practice Guidance states that examples of unreasonable behaviour by local planning authorities include failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The appellant states that the Council unreasonably refused the application and failed to substantiate their reasons for refusal, which has led to unnecessary or wasted expense.
5. As the applicant acknowledges, a planning committee is not duty bound to accept the advice of its officers. As such, a committee decision where a different view was taken from officers does not of itself lead to a conclusion that the Council was behaving unreasonably.
6. It is noted that the appellant sought to overcome the initial concerns raised by the County Highway Authority. However, it was clear that the Highway Authority's consideration was limited to safety and capacity. As such, wider considerations, such as other impacts on living conditions, were beyond the stated remit.

7. In considering the proposed development, the Council were entitled to assess these wider considerations and also apply their own published standards set out in the Supplementary Planning Document (SPD).
8. The Council set out their arguments in their statement of case and were entitled to rely on the SPD, as a relatively recent document that explains how their policies could be applied.
9. Accordingly, and given the conclusions of this appeal, I find that the Council neither unreasonably refused the application, nor failed to substantiate their reasons for refusal. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

*D.R. McCreery*

INSPECTOR