



Costs Decision

Site visit made on 23 June 2020

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 July 2020

Costs application in relation to Appeal Ref: APP/Y3615/D/19/3242927 Greenmantle, Lime Grove, West Clandon, Guildford GU4 7UH

- 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 Gareth Sinnett for a full award of costs against Guildford Borough Council.
 - The appeal was against the refusal of planning permission for two storey rear, and single storey rear and side extensions, following demolition of existing conservatory and covered area.
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Decision

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

Reasons

2. The Planning Practice Guidance (the PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded against a party where it has behaved unreasonably and this has directly 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 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; and, failing to grant a further planning permission for a scheme that is the subject of an extant or recently expired permission where there has been no material change in circumstances.
4. The applicant's costs application is on the basis that the Council has behaved unreasonably by refusing planning permission for a scheme that is identical to a previous approval¹ that lapsed in December 2016, which has caused the applicant to incur expenses as a result of the appeal process.
5. As can be seen from my appeal decision, I find that the proposal would be inappropriate development in the Green Belt and would also cause moderate harm to its openness. Whilst I acknowledge that the proposal is the same as the previous approval, there is no evidence before me to show that this permission is extant and therefore it does not represent a fall-back position. Furthermore, it has been over 3 years since the previous approval expired and

¹ Reference 13/P/01830

since then there has been a material change in circumstances because the Guildford Borough Local Plan: Strategy and Sites 2015 – 2034 (the Local Plan) was adopted in April 2019.

6. In particular, Policy P2 of the Local Plan states that the construction of new buildings in the Green Belt will constitute inappropriate development, unless the buildings fall within the list of exceptions identified by the National Planning Policy Framework (the Framework). This applies to the appeal site because it is within the Green Belt.
7. 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

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

C Osgathorp

INSPECTOR