
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: 7 July 2020

Costs application in relation to Appeal Ref: APP/Y3615/W/19/3242904 Pilgrim Gardens, Sandy Lane, Guildford GU23 1HF

- 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 & Mrs Farquhar for a full award of costs against Guildford Borough Council.
 - The appeal was against the refusal of planning permission for the erection of single storey side and rear extensions.
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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, acting contrary to, or not following, well-established case law.
4. The applicant's costs application is on the basis that the Council has behaved unreasonably in respect of its interpretation of the term 'original building' and that this has directly caused the applicant to incur unnecessary and wasted expense in the appeal process.
5. Policy P2 of the Guildford Borough Local Plan: Strategy and Sites 2015 – 2034 (adopted April 2019) defines the 'original building' as the building as it existed on 1 July 1948; or if no building existed on 1 July 1948, then the first building as it was originally built after this date. As can be seen from my appeal decision, I find that on the basis of the wording of Policy P2, the 'original building' is not the existing building but rather the building that was replaced by the existing dwelling. I therefore agree with the Council's interpretation of Policy P2.

6. 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

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

C Osgathorp

INSPECTOR