



Costs Decision

Site visit made on 29 September 2020

By J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 November 2020

Costs application in relation to Appeal Ref: APP/D3640/W/20/3251993 Stamford Manor, Station Road, Chobham, Woking, Surrey, GU24 8AX

- 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 D Burrell for a full award of costs against Surrey Heath Borough Council.
 - The appeal was against the refusal of planning permission for the erection of an indoor riding school.
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Decision

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

Reasons

2. The Planning Practice Guidance advises that 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.
3. The applicant claims that the Council has acted unreasonably on the following grounds:
 - *The planning authority has failed to give proper consideration to the application as required by Section 38 (6) of the Planning and Compensation Act 2004.*
4. The Planning Policy Guidance (NPPG) states that a local planning authority is at risk of an award of costs if it (among other things) prevents or delays development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations, and/or acting contrary to, or not following well-established case law.
5. The main thrust of the applicant's application for costs is stated to be the Council's misinterpretation of Green Belt policy as set out in the National Planning Policy Framework (the Framework). However, as set out in my decision, I have agreed with the general approach of the Council, and having had regard to the Framework and relevant case law, concluded that the proposal would be inappropriate development in the Green Belt.

6. The Council's adviser, when considering the earlier appeal proposal¹ at the application stage, found the development to be of an appropriate size and appropriate development in terms of Policy DM3 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 (CS). However, no substantive assessment of the impact of the proposal on the Green Belt was carried out and the Council were not bound by this response. In my main decision I have also found conflict with CS Policy DM3.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Consequently, an award of costs is not justified.

J Davis

INSPECTOR

¹ Appeal Ref. APP/D3640/W/18/3216045