
Costs Decision

Site visit made on 4 January 2021

by Mr Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2021

Costs application in relation to Appeal Ref: APP/R3650/W/20/3258229 Land adjacent to 1 Grovelands, Lower Bourne, Farnham GU10 3RQ

- 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 J Marsh for a full award of costs against Waverley Borough Council.
 - The appeal was against the refusal of planning permission for the erection of a new dwelling with vehicular access and associated works.
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Decision

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

Reasons

2. The Planning Practice Guidance (the 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 costs application essentially relies on the allegation that the Council failed to accept the appellant's amended plans, failed to keep the appellant well informed during the application consideration process, did not undertake a site visit and gave objectors significant leniency in timeframes to make representations. These claims therefore seek a substantive award for costs on the basis that the Council did not handle the application properly.
4. However, the Guidance is clear that although all parties are expected to behave reasonably throughout the planning process, costs can only be awarded in relation to unnecessary or wasted expense at the appeal, although earlier behaviour can be taken into account.
5. In regard to the application process, the planning application was submitted in May 2020 and refused in August. Although beyond the statutory timeframe for such decisions, this does not appear to be particularly excessive, especially in mind of the current pandemic. Furthermore, the Council was presented with the amended plans during the consideration process and determined not to accept them. A Local Planning Authority is not obliged to accept revised plans during the application process.
6. As the Council has not commented on the costs application, I am unable to fully consider matters relating to leniency of consultation practices or the extent of dialogue undertaken between parties. However, such matters would be unlikely to have had a meaningful bearing on the outcome of the planning

decision based on my finding in the main decision. It is also unclear whether officers made a site visit. Nevertheless, the officer report appeared to properly understand the character of the site and area. Moreover, this analysis has not been found to be substantially different to my own observations of the site and its context.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has not been demonstrated.

Mr Ben Plenty

INSPECTOR