



Costs Decisions

Site visit made on 24 February 2021

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 25 March 2021

**Costs applications in relation to Appeal Refs: Appeal A:
APP/R3650/W/20/3245466 and Appeal B: APP/R3650/W/20/3246533
Green Farm, Green Lane, Churt, Farnham GU10 2LT**

- 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 The Countryside Restoration Trust for a full award of costs against Waverley Borough Council.
 - The appeal was against the refusal of planning permission for Appeal A: erection of 2 polytunnels in connection with proposed cut flower enterprise and Appeal B: erection of 2 polytunnels in connection with proposed cut flower enterprise.
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Decision

1. The application for an award of full costs is refused in respect of both applications.

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 applications were recommended for approval by the Officers but the recommendations were overturned by Committee and the applications refused. The Council is not duty bound to follow the advice of its professional officers, but if a different decision is reached, the Council has to clearly demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence to substantiate that reasoning.
4. The reason for the refusal set out in the decision notices is, in my view, complete, precise, specific and relevant to the applications. The reason also clearly states the policies of the Waverley Borough Council development plan that each proposal would be in conflict. It is acknowledged that some of the policies referenced include a range of matters not all of which would be directly relevant to the proposal, but in so far as each policy seeks to protect the environment, I consider that they are relevant to the proposals before me.
5. The references to Paragraph 172 of the National Planning Policy Framework is entirely appropriate and valid as this paragraph sets out the approach to development in locations of landscape sensitivity including Areas of Outstanding Natural Beauty.

6. In relation to the contention by the Appellant that the Council had not refused any applications for polytunnels elsewhere within the district, each application must be assessed on its individual planning merits. Moreover, from the very limited information before me, it is not possible for me to gauge the extent to which any other permissions granted were directly comparable with the proposals before me. However, and on the basis of the information provided to me, there is no clear evidence of bias by the Council in this regard.
7. Although I have reached a different decision in respect of both appeals to the ones reached by the Council and although briefly set out, I find that the reasons for refusal as amplified the Council's statement of case did provide clear reasons to set out why the Council found the proposals to be unacceptable.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

L J Evans

INSPECTOR