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## Costs Decision

Hearing (virtual) held on 18 May 2021

Site visit made on 19 May 2021

**by Guy Davies BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28 May 2021**

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### **Costs application in relation to Appeal Ref: APP/R3650/W/20/3261553 The Woolmead, East Street, Farnham GU9 7TS**

- 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 Berkeley Homes (Southern) Limited for a full award of costs against Waverley Borough Council.
  - The hearing was in connection with an appeal against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
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### **Decision**

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

### **The submissions for Berkeley Homes (Southern) Limited**

2. The appellant's reason for the costs application is that the reason for refusal is based on vague, generalised and unsupported assertions, it is not justified by evidence, and that the concerns of the Council could have been addressed through conditions and planning obligations. Furthermore, the decision was made contrary to the recommendation of the Council's officers and the advice of the Highway Authority. Council members had no good reason for reaching a different view. The statement of case presented in defence of the decision bears little resemblance to the reason for refusal and introduced new arguments that had to be rebutted in an additional statement.

### **The response by Waverley Borough Council**

3. Council members are not bound to accept the recommendation of officers. In this case, members had a comprehensive committee report before them and knowledge of the site, in part gained from the previous application, as well as their experience of parking pressures in Farnham town centre. The development conflicts with adopted parking standards and members were entitled to conclude that such a conflict justified resisting the proposed change to the permitted scheme. The expectation that future residents would not own a car is unrealistic, and the under provision of parking spaces on the site would lead to the off-site problems referenced in the reason for refusal.

## **Reasons**

4. Planning Practice Guidance advises that parties in planning appeals normally meet their own expenses. Costs may only be awarded against a party who has behaved unreasonably, and where the unreasonable behaviour has caused another party to incur unnecessary or wasted expense in the appeal process.
5. In this case the revised parking provision on the site does not meet the minimum parking standards set out in either the Council's or Highway Authority's published parking guidance and it is therefore a matter of judgement as to whether other material considerations outweigh the consequences of not having enough parking. I have noted the recommendation of the Council's officers, but Members were entitled not to follow the professional advice of their officers so long as a reasoned case could be made for taking a different view.
6. I am satisfied that the Council did substantiate its case for taking a different view to the officers' recommendation. The reason for refusal sets out what members felt would be the consequence of lesser parking provision. The statement of case is comprehensive and elaborates on the reason for refusal. As is demonstrated by the amount of representations, there is clearly considerable local concern to reducing parking provision within the development. While I have found in favour of the appellant on the planning appeal, I do not consider it was unreasonable for members to have reached a different view.
7. Based on the evidence before me I find that the Council has not acted unreasonably and did provide clear and justified reasons as to why it reached its decision on the planning application.

## **Conclusion**

8. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.

*Guy Davies*

INSPECTOR