
Costs Decision

Site visit made on 29 November 2021

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2021

Appeal Ref: APP/Y3615/W/21/3275369

Shepherds Hill, Broadfield Road, Peaslake GU5 9TB

- 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 Wood for a full award of costs against Guildford Borough Council.
 - The appeal was made under section 78 of the Town and Country Planning Act 1990 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.

Reasons

2. The Planning Practice Guidance (PPG) 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 Council did not refer to the PPG in their Officer's Report for application Ref 21/P/00282. The appellant has also referred to a lack of reasoning in the Officer's Report for Ref 16/P/01356, with respect to the justification for the inclusion of Class E¹ in the disputed condition.
4. Both issues relate to periods during the determination of the planning applications 16/P/01356 and 21/P/00282. The PPG states that costs cannot be claimed for the period during the determination of the planning application and can only be claimed for unnecessary or wasted expense at the appeal².
5. In my appeal decision I have considered the PPG and the National Planning Policy Framework (the Framework) and I have agreed with the Council that the reference to Class E in the disputed condition is reasonable and necessary. The Council's Officer's Report for the latter application considered the Framework and the '6 tests' and concludes that the condition meets the tests. As such, whilst the Council may have usefully referred to the PPG within their 21/P/00282 report and provided more justification for 16/P/01356, I do not consider that this has resulted in unnecessary or wasted expense in the appeal process.

¹ Class E of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

² Paragraph 16-033-20140306

Conclusion

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Accordingly, I determine that the costs application should fail, and no award is made.

Alexander O'Doherty

INSPECTOR