
Costs Decision

Site visit made on 29 November 2021

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st December 2021

Costs application in relation to Appeal Ref: APP/A3655/D/21/3275844 Deep Pool Farm, Deep Pool Lane, Chobham, Woking GU24 8AS

- 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 Simon Howard for a full award of costs against Woking Borough Council.
 - The appeal was against the refusal of planning permission for the erection of a single-storey rear in-fill extension.
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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. A Council may be vulnerable to costs being awarded against it if it has unreasonably refused a planning application or not determined a similar case in a consistent manner.
3. The costs application essentially alleges that the Council acted unreasonably both procedurally and substantively. The appellant asserts that the Council has provided no evidence to substantiate the reason for refusal and that the infill extension minor and should have been allowed.
4. In my main decision, I found that the infill extension would be a disproportionate extension in comparison to the volume of the original dwelling. It was therefore deemed to be inappropriate development that would also harm the openness of the Green Belt, albeit moderately.
5. The term disproportionate is not defined by national policy. However, the companion text of policy DM13, of the Woking Development Management Policies Plan, provides useful guidance to define this locally. This explains that although site specific characteristics should be taken into account, the Council would generally consider an increase of 20-40% to be proportionate. Although this percentage range is not enshrined in policy or guidance, and tempered by reference to site specific characteristics, the companion text is sufficiently clear to offer useful guidance to developers.
6. The Council's evidence has provided a clear chronology of events and a proper assessment of the merits of the case, coming to a reasonable and considered

conclusion. As a result, taking the above into account, I do not find that the reason for refusal has been unsubstantiated.

7. The previous approved infill extension was allowed under *very special circumstances* as it was deemed to be both discrete and would remove a visually undesirable gap. However, the positioning and relationship of the proposal of appeal A to the main dwelling would be starkly different and more exposed. The difference between the two elements is significant and the Council were intitled to apply their judgement in deciding that the proposed infill extension would be harmful. This therefore does not illustrate an inconsistent approach by the Council.
8. Accordingly, I do not consider that the Council's decision was fundamentally flawed or without foundation so as to represent unreasonable behaviour. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has not been demonstrated.

B Plenty

INSPECTOR