



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: 06 January 2022

Appeal Ref: APP/R3650/W/21/3267787

Brooklands Farm, Pepperbox Lane, Bramley, Guildford GU5 0LW

- 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 & Mrs Shaw for a full award of costs against Waverley Borough Council.
 - The appeal was against the refusal of planning permission for a proposed development described as, "replacement agricultural barn, to be rebuilt in accordance with alterations approved under application WA/2019/1739 (partially retrospective)".
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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. It is alleged that the Council incorrectly assessed the proposal in terms of whether or not it constitutes inappropriate development in the Green Belt and in this respect my appeal decision demonstrates that I did not agree with the Council on both of the main issues. Nevertheless, the Council drew on specific evidence, including factual evidence and consultation responses, in forming their opinion. I note that it is a legitimate matter of planning judgement to take a view on whether or not a proposed scheme would, in practice, be used for the purposes proposed and be justified by the site-specific circumstances.
4. In that context, the Council presented an arguable case that the proposal was not in accordance with the National Planning Policy Framework (the Framework) and the development plan. The Officer's Report did not consider whether the proposal met paragraph 149 g) of the Framework, but only because the Council did not think that it was relevant to the proposal, which was the correct approach to take on the basis of the evidence before them.
5. As such the application for costs boils down to a divergence of opinion over matters of planning judgement, which I address in the associated appeal. In that context, and given my reasoning above, I do not consider that the Council has acted unreasonably within the terms argued by the appellants.

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