



Costs Decision

Site visit made on 13 December 2021

by Julie Dale Clark BA (Hons) DipTP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th January 2022

**Costs application in relation to Appeal Ref: APP/Y3615/D/21/3280383
Binton Farm, Binton Farm House, Binton Lane, The Sands, Farnham GU10
1LQ**

- 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 Jan de Walden for a full award of costs against Guildford Borough Council.
 - The appeal was against the refusal of planning permission for proposed detached garage and alterations to existing driveway. Proposed extensions to existing dwelling and associated link and conversion of existing cart barn to accommodation.
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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.
3. The appellants claim for costs relate to the determination of the planning application including the length of time taken to determine it and changing the description of development to include elements that were permitted development. Whilst these matters may be frustrating for the appellant, I consider that these are procedural matters in the determination of the application and have minimal bearing on the appeal process.
4. The appellant also states that the Council has failed to take into account extensions and outbuildings that can be constructed utilising the appellants permitted development rights. I have disagreed with the Council's interpretation of the additional floorspace in so far as adding the proposed accommodation that would be created by the converted cart barn into the assessment of inappropriate development in the Green Belt. The Council has not responded to the costs claim so I have no explanation as to the reasoning behind this calculation. However, whilst this may amount to an error in judgement, it is a matter that could be open to interpretation and therefore this in itself does not amount to unreasonable behaviour. The appeal also includes development that the appellant does not dispute requires planning permission, in particular the garage, and in appealing the proposal the appellant has exercised his right to appeal. I do not consider that this is based on unreasonable behaviour on the part of the Council.

5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

J D Clark

INSPECTOR