



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: 10 February 2022

Appeal Ref: APP/Y3615/D/21/3278050

Little Romanys, Lawbrook Lane, Peaslake, Guildford GU5 9QW

- 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 Taylor for a full award of costs against Guildford Borough Council.
 - The application Ref 21/P/00927, dated 27 April 2021, was refused by notice dated 23 June 2021.
 - The appeal was against the refusal of planning permission for erection of extensions and alterations.
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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 applicants have referred to several examples of planning permissions (including appeal decisions), which were put before the Council at application stage. A range of examples were also put before me in the associated appeal.
4. Nevertheless, as explained in my appeal decision, those examples, whilst of some relevance, do not change my finding the proposal would result in disproportionate additions over-and-above the size of the original building, in conflict with paragraph 149 c) of the National Planning Policy Framework. As the Council came to the same overall conclusion with respect to paragraph 149 c), providing clear reasons in their Officer's Report in doing so, the Council did not behave unreasonably.
5. I accept that it would have been best practice for the Council to have referred to the specific examples highlighted by the applicants, in their Officer's Report. However, even if I were to find that this constituted unreasonable behaviour, the Council were correct to refuse the planning application, meaning that no unnecessary or wasted expense has occurred and an appeal would have been the next route to seek resolution.

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