



Costs Decision

Site visit made on 28 February 2022

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 March 2022

Costs application in relation to Appeal Ref: APP/D3640/W/21/3277695 45, and land to the rear of 43 and 47, Station Road, Frimley, Camberley, Surrey, GU16 7HE

- 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 Home County Properties Ltd for a full award of costs against Surrey Heath Borough Council.
 - The appeal was against failure to give notice within the prescribed period of a decision on an application for outline planning permission described as 'Erection of a new building containing a mix of 1- and 2-bedroom flats to gather with associated parking, following the demolition of the existing house'.
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Decision

1. The application for an award of costs is dismissed.

Reasons

2. Irrespective of the outcome of the appeal, the Planning Practice Guidance (PPG) states that an award of costs may only be made against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The planning application form is dated 5 March 2020, but the committee report indicates the application was registered on the 15 February 2021. The application was subsequently reported to the Council's planning committee on the 28 October 2021. As a result, there has been a significant delay in the Council's assessment of the proposal. The Council indicates that this was due to late comments from the Surrey Wildlife Trust and the Environmental Health Department and therefore outside its control. However, the latter seems to be an internal department and the comments of the former are not required before a decision can be made. As a result, matters were still in the council's control. Thus, the delay was unreasonable.
4. Paragraph 048 of the PPG explains that a local planning authority may be at risk of an award of costs if it fails to determine an application within the time limits and the Inspector concludes that there were no substantive reasons to justify delaying the determination.
5. For the reason set out in my formal appeal decision, the Council's concerns were generally sound and well-reasoned. The Council may have taken an unreasonably long time to reach a definitive view, but in so doing it has not delayed development that should clearly have been permitted. The applicant could have exercised their right to submit an appeal earlier to remedy the

Council's shortcomings in respect of timeliness. Given the number of concerns, it is highly likely that the applicant would have needed to pursue an appeal in any event. As a result, the delay did not put the applicant to unnecessary expense at the appeal stage from having to pursue a pointless appeal.

6. In addition, the Council did not provide vague, generalised, or inaccurate assertions about the proposal's impact. Specific concerns were raised which were grounded in planning policy and articulated in a comprehensive committee report.

Conclusion

7. In light of the above, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not occurred. The application for an award of costs is therefore refused.

Graham Chamberlain,
INSPECTOR