



Costs Decision

No site visit made

by M Madge DIPTP, MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2022

Costs application in relation to Appeal Ref: APP/R3650/W/21/3286817 Southfork Farm, Wrotham Hill, Dunsfold, Godalming GU8 4PA

- 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 David Stedman for a full award of costs against Waverley Borough Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for the creation of one window to rear of building.
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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 which has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant claims that the respondent had no justifiable reason not to determine the application for planning permission within the prescribed period. The applicant was therefore put to the unnecessary cost of the appeal.
4. The respondent acknowledges that it is regrettable that a decision was not issued in time. However, due to the lawful development certificate already confirming the window was not development, there was no need for the application for planning permission to be made.
5. There is nothing in the Town and Country Planning Act 1990 as amended to preclude a planning application being made for works that do not constitute development. The existence of the LDC was no reason to delay determining the planning application. However, it was the appellant's choice to apply for planning permission when it was not necessary to do so. Similarly, it was the appellant's choice to make the appeal against the respondent's failure to issue its decision in respect of works that had already been confirmed as not being development. It is therefore the applicant's choices that have led to the cost of the appeal.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

M Madge

INSPECTOR