



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/X/21/3285600 Southfork, Wrotham Hill, Dunsfold, Godalming GU8 4PA

- The application is made under the Town and Country Planning Act 1990, sections 195, 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 a certificate of lawful use for siting of a caravan for ancillary agricultural purposes.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance ('the PPG') 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. The PPG goes on to advise that unreasonable behaviour, such as the delay in providing information, failure to adhere to deadlines, or failure to produce evidence to substantiate each reason for refusal may give rise to procedural or substantive awards of costs.
3. The appeal was made due to the respondent's failure to determine the application within the prescribed period. In such circumstance the local planning authority ('LPA') is deemed to have refused to grant a lawful development certificate. The reasons for that deemed refusal are however not known by the applicant at the time of making the appeal. The applicant is therefore reliant on the LPA's appeal statement to identify what the reasons for refusal would have been.
4. Following validation of the appeal, the respondent failed to provide an appeal statement within the statutory period and therefore the deemed reasons for refusal remained unknown. At final comments stage, the respondent claimed that the appeal was invalid. This was not found to be the case. Even if the appeal was valid, the respondent claimed that the applicant had failed to identify a justified agricultural need for the siting of the caravan for ancillary agricultural purposes. There is however no requirement to justify works that do not constitute development.
5. The failure to provide an appeal statement is unreasonable behaviour by the respondent, resulting in unnecessary or wasted expense as described in the PPG. It has therefore been demonstrated that an award of costs is justified.

Costs Order

6. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Waverley Borough Council shall pay to Mr David Stedman, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
7. The applicant is now invited to submit to Waverley Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

M Madge

INSPECTOR