



Costs Decision

Site visit made on 11 March 2022

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 24th August 2022

Costs application in relation to APP/Y3615/W/21/3284335 32 Queen Eleanor's Road, Guildford GU2 7SL

- 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 W Gong for a full award of costs against Guildford Borough Council.
 - The appeal was against the refusal of planning permission for the change of use from residential C3 (Dwelling House) to house of multiple occupation (sui generis)
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process. The applicant contends that the Council has acted as such in: not determining similar cases in a consistent manner; making vague and generalised assertions about the proposal's impact; delaying the decision; and failing to inform the applicant who was part of the decision making process.
3. The applicant states that the Council did not deal with similar cases in a consistent manner, citing examples of other HMO development in the wider area that have been permitted and a similar front layout permitted at the site. However, assessment on the setting of a development as a whole must be done on a case by case basis given that the circumstances of each case will differ. This issue is a matter of planning judgement. It will be seen from my decision that I afforded limited weight to the other applications and developments cited and it was not unreasonable for the Council to do the same.
4. The applicant further argues that the Council made vague and generalised statements in its assessment. However, the Council clearly set out the various reasons why the proposal should be refused, with specific reference to the development plan and other material considerations. The statements made are not vague or generalised. Whilst it will be seen from my decision that I have taken a different view from the Council on a number of matters, overall the its decision is not so inadequate or irrational as to amount to unreasonable behaviour.
5. With regards to the time taken to make the decision, I acknowledge that the parties agreed an extension until 10 September. While no further extension was agreed, and it is unfortunate that the Council further delayed the decision, the applicant was kept up to date via regular communication from the Council as to the status of the

application until the issue of the decision. Even acknowledging the delay, I do not consider that the Council acted unreasonably in this regard.

6. Finally, while the applicant was not provided contact details for each person at the Council who was reviewing or advising on their application, on the basis of the evidence provided they were informed as to the case officer. This is standard practice and does not amount to unreasonable behaviour on the part of the Council.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense as described in the Planning Practice Guidance has not been demonstrated, and an award of costs is not justified.

C Rafferty

INSPECTOR