



Costs Decision

Site visit made on 28 July 2022

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2022

Costs application in relation to Appeal Ref: APP/Y3615/W/22/3292157 Lot 4 Westwood Lane, Wanborough, Guildford GU3 2JR

- 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 Mrs Sophie Belcher for a full award of costs against Guildford Borough Council.
 - The appeal was against the refusal of planning permission for provision of an underground electricity cable and external electricity feeder cabinet.
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The applicant states that the development should clearly have been permitted. However, the reasons for the refusal set out in the decision notice are complete, precise and specific to the application, and clearly set out where the conflicts with the development plan lay. These reasons are substantiated by the Council in its officer report.
4. While the consideration of whether or not it is inappropriate in the Green Belt does not take into account the need for the development, the National Planning Policy Framework (the Framework) requires consideration of whether very special circumstances exist to justify inappropriate development. The Council has also drawn my attention to a local saved policy that requires evidence in relation to the need for agricultural buildings. Therefore, it was not unreasonable of the Council to consider the need for the proposal.
5. In respect of the main issue relating to character and appearance, I find the Council's assessment and reason for refusal to have been adequate and informed by reference to relevant policies and local guidance, as evidenced in the officer report. Also, I do not find that the Council was inconsistent with its decision in relation to the water tap for the site, which is materially different to the appeal scheme in terms of its impacts. I therefore find that the Council did properly evaluate the merits of the scheme and it had reasonable concerns regarding the impact of the proposed development on the character of the area, which justified its decision. The appellant had to address those concerns in any event.

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6. As such, the appeal could not have been avoided. Therefore, the applicant did not incur unnecessary or wasted expense in making the appeal.

Conclusion

7. For the reasons set out above I conclude that the Council did not exhibit unreasonable behaviour and that wasted or unnecessary expense has not been incurred by the applicant in the appeal process. The application for an award of costs is therefore refused.

C Shearing

INSPECTOR