



Costs Decision

Site visit made on 1 November 2022

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date 7 November 2022

Costs application in relation to APP/A3655/W/22/3290789

Beech Rise, Lock Lane, Pyrford, Surrey

- The application is made under the Town and Country Planning Act 1990 (the Act), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by T Lewis for a full award of costs against Woking Borough Council.
 - The appeal was against the refusal of planning permission for an access from Lock Lane.
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Decision

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

Reasons

2. The Planning Practice Guidance (the PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour can be considered as either substantive or procedural in nature.
3. The applicant considers that the Council behaved unreasonably by not meeting them, not properly weighing the merits of the proposed scheme, attaching too much weight to previous planning decisions, including a subsequent appeal decision and by making decisions contrary to their own planning policies.
4. The Council set out the policy context as part of its delegation report and in coming to its decision, the Council applied development plan policy in line with section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended). Additionally, the effect of the development proposal on the character and appearance of the area was a matter of planning judgement.
5. The Council also considered other material considerations and weighed these accordingly. The decision notice provides a precise and specific reason for refusal clearly stating the development plan policies that the Council found the proposal to conflict with.
6. Whilst I ultimately disagreed with the Council, its assessment was not without merit. The apportionment of weight is a matter for the decision maker and the Council was entitled to reach its own conclusion exercising planning judgment. The Council's position in respect of the scheme is therefore logical and fairly substantiated.

7. While the Council did not offer a meeting it did offer, in its email of 17 November 2021, opportunity for the applicant to email any queries. The concerns of the Council are also clearly set out within its delegation report and appeal evidence. I find this to be a reasonable approach.
8. As a result, having carefully considered the above, I conclude that unreasonable behaviour by the Council, as described in the Guidance, has not been clearly demonstrated. Therefore, in my view, unnecessary or wasted expense has not been incurred by the applicant. Consequently, the application for a full award of costs is refused.

N Praine

INSPECTOR