



Costs Decision

Site visit made on 27 July 2022

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 December 2022

Costs application in relation to Appeal Ref: APP/A3655/W/22/3295344 28 Woodham Way, Woodham GU21 5SJ

- 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 Irwin Mitchell LLP for a full award of costs against Woking Borough Council.
 - The appeal was against the grant subject to conditions of planning permission for the erection of a single storey side and rear extension following demolition of existing garage (Amended Plans).
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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 caused another party to incur unnecessary or wasted expense in the appeal process. The type of behaviour that can lead to a costs award includes substantive matters such as imposing a condition that is not necessary, relevant to planning or to the development to be permitted, enforceable, precise and reasonable in all other respects and thus does not comply with the guidance in the National Planning Policy Framework on planning conditions and obligations.
3. Although I have found in the appellant's favour, and do not consider the disputed condition to be reasonable or necessary, the Council has set out their reasoning on why the condition was imposed. The consideration of planning applications often involve matters of judgement, particularly when assessing the effects on character and appearance. Despite the appellant seeking to engage with the Council to avoid the imposition of the condition, the Council exercised its judgement, and this is reasoned within its Planning Appeal Statement including with reference to the extant permission on the appeal site. Even though I disagree with the Council, an award of costs does not necessarily follow the outcome of the appeal. As an arguable case has been presented by the Council, I consider the imposition of the disputed condition was not unreasonable.

Conclusion

4. With the above in mind, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. An award of costs is therefore not justified in this instance.

F Rafiq INSPECTOR