
Costs Decision

Site visit made on 21 November 2022

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2022

Costs application in relation to Appeal Ref: APP/R3650/W/22/3301852 Land at Edgecombe, 10 Hill Road, Haslemere GU27 2JN

- 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 M Longford for a full award of costs against Waverley Borough Council.
 - The appeal was against the refusal of planning permission for the erection of a dwelling together with a new vehicular access off Hill Road and associated works.
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Decision

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

Reasons

2. Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only 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.
3. In this case, the appellant seeks a full award of costs on the basis that the Council acted unreasonably in failing to produce evidence to substantiate the reason for refusal on appeal and failing to follow standard procedure at the meeting of the Western Planning Committee which determined the application contrary to the recommendation of its officers. However, complaints regarding the fairness or propriety of committee proceedings should be addressed to the Council as these are not in themselves pertinent to an award of costs.
4. Dealing with the first issue, a Council is not bound to follow the advice of its officers providing clear reasons for refusal are given and these are supported by substantive evidence at appeal stage. The single reason for refusal in this case was clear and unambiguous and substantive evidence to support it was provided by the Council in its letter and appendices dated 21 September 2022. This was submitted in accordance with the timetable set out in the start letter dated 17 August 2022 and the appellant took the opportunity to respond at final comments stage.
5. Clearly at committee councillors were concerned about the architectural style of the proposal, a clear cut albeit subjective matter, and more detailed evidence at that stage could not be expected. Such evidence, whilst relatively brief, was provided later in accordance with the appeal timetable. Although the appellant disagrees with this evidence and may well have been frustrated at the decision at variance with the views of officers, the Council did not behave unreasonably in reaching its decision or in pursuing the matter at appeal.

6. I therefore find that the Council behaved reasonably in refusing the application and unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has not been demonstrated.

David Reed

INSPECTOR