



Costs Decision

Site visit made on 17 January 2023

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2023

Costs application in relation to Appeal Ref: APP/R3650/W/22/3299107 South Fork, Wrotham Hill, Dunsfold, Godalming GU8 4PA

- 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 David Stedman for a full award of costs against Waverley Borough Council.
 - The appeal was against failure to give notice within the prescribed period of a decision on an application for planning permission for one window to the rear of the building.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG), at paragraph 030, 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.
3. The applicant considers that the Council acted unreasonably in their failure to make a decision within the prescribed period and that there was no justifiable reason for so doing. As a result, the applicant contends that as they had no choice but to submit an appeal, unnecessary costs have been incurred.
4. The Council concedes that, had it been in receipt of the previous appeal decision¹ within the determination period, planning permission would have been granted. However, it was the appellant's choice to submit a planning application in respect of works that had previously been determined as falling outside the definition of development² and subject to a Lawful Development Certificate³. Furthermore, whilst there is nothing in the Town and Country Planning Act 1990 to preclude a planning application being made for works that do not constitute development, it was also the appellant's choice to make the appeal against the Council's failure to issue its decision.
5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Juliet Rogers

INSPECTOR

¹ Ref: APP/R3650/W/21/3286817 dated 17 May 2022

² Council planning application ref: WA/2021/02582 submitted 12 August 2021

³ Certificate of Lawful Use or Development ref: WA/2021/01270 dated 4 August 2021