



Costs Decision

Site visit made on 29 November 2022

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 February 2023

Costs application in relation to Appeal Ref: APP/A3655/W/21/3285715 Twisted Stone Golf Club, Pyrford Road, Pyrford, Woking GU22 8UE

- 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 Twisted Stone Golf Club for a full award of costs against Woking Borough Council.
 - The appeal was against the refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
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Decision

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

Reasons

2. The Planning Practice Guidance 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 it must have been clear to the Council that the appeal would succeed as its Environmental Health Officer and Planning Officer did not raise objections to the application. It is claimed that the Council acted unreasonably in refusing the application because the proposal was not contrary to the development plan, or the National Planning Policy Framework (the Framework), and the Council's planning committee was recommended by Officers to approve the application. No noise evidence has been provided by the Council to support its decision, which it is claimed was influenced by pressure from residents. It is therefore claimed that the Council's unreasonable behaviour has resulted in the applicant incurring unnecessary expense in the appeal process.
4. The Council advises that its planning committee weighed up all material planning considerations and was entitled to form a different planning judgement compared to Officers, having identified harm that would be caused by the proposal. The Council considers its decision was reasonable as the planning committee found the application failed to accord with the development plan and the Framework, as set out in its reason for refusal.
5. The Council's appeal submissions explain why it considers the proposal would cause harm to the living conditions of nearby residents. There were valid detailed concerns from local residents, considering the complex nature of the

amended wording proposed to vary the condition. Those concerns were also relevant to the wording initially proposed to vary the condition.

6. It was not unreasonable for members of the Council's planning committee to reach a different conclusion to its Officers following consideration of the detailed objections made by local residents. Those objections raised important considerations which I have addressed in my decision.
7. The Council identified potential harm which it considered would be caused by the proposal based on the reasonable concerns of local residents and the proximity of parking areas to neighbouring houses. It identified parking areas closer to neighbouring houses than previously reported in the appeal decision¹ which granted planning permission for the golf course. These were relevant considerations.
8. The Noise Monitoring Report² submitted by the applicant was of limited assistance to me in the appeal. It was not therefore necessary for the Council to produce detailed noise evidence to support its decision in the absence of sufficiently detailed noise evidence from the applicant. The Council explained why it considered noise generated by customers visiting and leaving the appeal site as a result of the proposed variation of condition would cause harm to the living conditions of nearby residents, contrary to the development plan and the Framework.
9. Although I have reached a different conclusion to the Council, taking all matters raised into account, it was not unreasonable for the Council to refuse the application for the reasons set out in its decision notice and appeal submissions.
10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

L Douglas

INSPECTOR

¹ T/APP/A3655/A/96/272396/P2

² By Michael Sugiura Limited, Ref: 509/17, dated November 2017