



Costs Decision

Site visit made on 7 March 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2023

Costs application in relation to Appeal Ref: APP/Y3615/W/22/3305366 Tillingbourne Trout Farm, Dorking Road, Abinger Hammer RH5 6SA

- 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 J Strzebrakowski for a full award of costs against Guildford Borough Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for the erection of a two bedroom rural worker's dwelling.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (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.
3. The appellant sets out that there have been unnecessary and unreasonable delays in determining the application, with no indication of when a decision may be made. This has resulted in additional costs in attempting to communicate with the Council and in preparing appeal documentation, in addition to causing anxiety and stress on the applicant.
4. I entirely accept the anxiety, stress and frustration the applicant must have felt during the application process, with little indication provided by the Council as to the progress of its assessment or the likely outcome of the application. This is particularly relevant given the sensitive nature of the proposal, relating to the accommodation of the applicant and his family.
5. The evidence before me demonstrates that the Council failed to appropriately co-operate with the applicant and failed to adhere to deadlines in respect of the planning application, which remains undetermined with no explanation as to why, or how the Council would have determined the application had it done so. Whilst it is evident from the applicant's submission that the Council has experienced significant difficulties in the processing of applications, this is not the concern of the applicant, who simply wished to have their application determined in a timely manner.
6. For the reasons given above, unreasonable behaviour resulting in unnecessary and wasted expense has occurred and a full award of costs is therefore warranted.

Costs Order

7. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Guildford Borough Council shall pay to J Strzebrakowski the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.

The applicant is now invited to submit to the Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

A Price

INSPECTOR