



Costs Decision

Site visit made on 18 April 2023

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2023

Costs application in relation to Appeal Ref: APP/Y3615/W/22/3306820 32 Queen Eleanors Road, Surrey, Guildford GU2 7SL

- 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 W Gong for a full award of costs against Guildford Borough Council.
 - The appeal was against the refusal of planning permission for the change of use of the Annexe to class C3 independent dwellinghouse.
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Decision

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

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 applicant contends that the Council have behaved unreasonably by making vague and generalised assertions to support its reasons to refuse. However, they have not elaborated on this matter.
4. The officer report forms the basis of the Council's Statement of Case and clearly sets out a reasoned case for each point of refusal with reference to previous appeal decisions on the site and relevant policies quoted within the decision notice. During the appeal process a new local plan document was adopted and the Council revaluated the scheme against the relevant policies ensuring there was clarity between those policies which had been superseded and those that are not relevant. Consequently, I find the Council's reasoning of its case sound and that the reasons for refusal on the decision notice are inline with section 38(6) of the Planning and Compulsory Purchase Act 2004 as amended.
5. It is appreciated that some assertions by interested parties have been made in relation to potential future uses of the site, however the Council have dealt with these appropriately and did not allow them to misdirect its evaluation of the scheme.
6. The applicant also considers that the Council have shown a lack of consistency with a previous decision (application 20/P/01719) in relation to overlooking and privacy of the rear garden.

7. Whilst I understand the applicant's perspective, and on this issue have found for the applicant, the Council had considered both schemes on their own planning merits and regarding the relevant policies at the time.
8. There is however some inconsistency in relation to the policies cited and the conclusions in relation to relatively similar schemes, even though the same development plan was in place for each decision. Nevertheless, for the scheme before me the Council qualified its reason to refuse on this matter and has dealt with living conditions for future occupants in more detail than in 20/P/01719. Accordingly, although its position has changed, I am satisfied the Council has substantiated its new position with regard to the merits of the scheme, thus have not behaved unreasonably.
1. Consequently, taking into consideration the evidence before me, and for the reasons given above I find that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

RJ Redford

INSPECTOR