



Costs Decision

Hearing held on 3 May 2023

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 June 2023

Costs application in relation to Appeal A Ref: APP/R3650/W/22/3305096 Legend Acres, River Lane, Farnham, GU9 8UD

- 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 N Schultz for a full award of costs against Waverley Borough Council.
The appeal was against the refusal of planning permission for proposed additional 4 mobile homes and retention of stables.
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Decision

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

The submissions for Mr N Schultz

2. The costs application was submitted in writing.

The response by Waverley Borough Council

3. The response was submitted in writing at the hearing.

Reasons

4. 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.
5. The PPG states that examples of unreasonable behaviour by local planning authorities include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations and persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable.
6. In this instance a previous decision was approved on the site and the applicant considered the Council were unreasonable in coming to a different view on the appeal scheme. Having regard to the previous permission, the current appeal scheme is different as the layout of the proposed pitches is different and the proposal does not include a day room.
7. Therefore, the consideration of the impact on the character and appearance of the area or the living conditions of the future occupiers will not be the same in both cases and therefore the Council was entitled to reconsider these issues afresh, whilst having regard to the previous decision.

8. The reasons for the refusal set out in the decision notice are complete, precise, specific and relevant to the application. It also clearly states the policies of the Waverley Borough Local Plan Part 1 2018 that the proposal would be in conflict with. The reasons have been adequately substantiated by the Council in its Officer Report and appeal statement. The Officer Report demonstrates how the proposal would result in an unacceptable form of development as the report has made clear reference to the proposal's impact.
9. Accordingly, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme or give sufficient weight to the previous decision. Therefore, the appeal could not have been avoided. I have found that in exercising their planning judgement the Council had reasonable concerns about the impact of the proposed development which justified its decision.
10. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

G Pannell

INSPECTOR