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## Costs Decision

Site visit made on 26 June 2023

**by Joanna Gilbert MA (Hons) MTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 03 JULY 2023**

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### **Costs application in relation to Appeal Ref: APP/Y3615/W/22/3300834 Land to the Rear of 75 Glaziers Lane, Normandy, Guildford GU3 2EA.**

- 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 John Lee Snr 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 2 no. Gypsy/Traveller pitches to be occupied by Gypsies and Travellers who fulfil the definition of Gypsies and Travellers in Annex one of the Planning Policy for Travellers Sites.

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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<sup>1</sup> 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 made an application for costs as the Council failed to engage with the applicant when feedback was sought. Furthermore, it is asserted that the applicant only appealed on the grounds of non-determination after the Council confirmed on 9 June 2022 that the planning application would not be determined for at least a further two months and that no new case officer would be appointed within that period. At that time, the Council offered the applicant the option of a planning performance agreement. This was not taken up as the applicant considered this to be an unacceptable financial burden.
4. The planning application was submitted on 17 December 2021. The Council's appointed case officer left the Council in April 2022 without progressing the application. No decision was issued by the Council prior to the appeal being submitted on 10 June 2022. Given the staffing and other challenges experienced by the Council, it appears that the backlog of cases was so extensive that the Council did not request an extension of time as it would not have been able to meet that extended timescale. As a result, it is disappointing, but not surprising that the Council failed to engage constructively with the applicant regarding the proposal.

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<sup>1</sup> Paragraph 16-030-20140306: In what circumstances may costs be awarded?

5. Although the lack of progress on the planning application was understandably frustrating and unsatisfactory for the applicant, the Council has acknowledged the significant delays and has confirmed that it has since sought to address these matters to avoid similar shortcomings in the future.
6. Notwithstanding the applicant's poor experience in the processing of this planning application which resulted in the submission of the appeal, it is not clearly demonstrated how the Council's manifestly unreasonable behaviour has resulted in unnecessary or wasted expense in the appeal process. The Council has confirmed in its statement of case that the application would have been refused for several reasons. Regardless of the delays experienced, this would have resulted in an appeal. It will be seen from the accompanying appeal decision that I agree with many of the Council's findings. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process has not occurred and an award of costs is not warranted.

*Joanna Gilbert*

INSPECTOR