



Costs Decision

Site visit made on 6 June 2023

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2023

Costs application in relation to Appeal Ref: APP/A3655/W/22/3306712 Land adjacent to 6 Old Parvis Road, West Byfleet KT14 6LE

- 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 Woking Borough Council for a full award of costs against Mr N Purssey.
- The appeal was against the refusal of planning permission for a proposed development described on the application form as, "Change of use from former utilities building to café (Class E)".

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. At the appeal stage the appellant provided a structural report, a noise impact assessment, and a transport statement. The Council have not stated that this information was requested at application stage. It is the case that this information was provided to the Council at the start of the appeals process, rather than at a late stage. Additionally, the new information supplied directly relates to the reasons for refusal given in the Council's decision notice meaning that it was right and proper for the appellant to provide it at the appeal stage.
4. As such, whilst the Council were required to spend time considering this new information, and undertook further consultations, and taking account of paragraph 16-052-20140306 of the PPG, the appellant did not behave unreasonably with regards to the procedural matters in the appeal.

Conclusion

5. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Alexander O'Doherty

INSPECTOR