



Costs Decision

Site visit made on 25 May 2023

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 September 2023

Costs application in relation to Appeal Ref: APP/A3655/W/22/3313312 Beech Rise, Lock Lane, Pyrford, Surrey GU22 8UX

- 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 Mrs T Lewis for a full award of costs against the Woking Borough Council.
 - The appeal was against the refusal of planning permission for new barn to house agricultural machinery.
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Decision

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

Reasons

2. Planning Policy Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process. It goes on to state that local planning authorities are at risk of an award of costs if they fail to produce evidence to substantiate each reason for refusal or make vague, generalised, or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
3. The applicant contends that the Council did not consider another similar development¹ in the locality which had previously been approved and which the applicant drew to the Council's attention at planning application stage. As a result, the applicant suggests that there has not been a consistency in decision making.
4. The Council's officer report specifically references the nearby development and provides clear reasoning to explain why they did not consider that it established a precedent. Specifically, that development provided a building for an agricultural use, whilst the appeal proposal is for a building which appears to be for an equestrian related use, albeit there would be the storage of other equipment which could be used for the maintenance of the land. As a result, there is a clear distinction between the two proposals and this is explained within the Council's officer report and statement of case.
5. The applicant raises a number of other issues which rehearse their grounds of appeal, for instance in relation to the visibility of the proposal, and the impact of the proposal on the Green Belt. Whilst these relate to issues I have addressed within the appeal decision, the officer report and Council's

¹ Council reference PLAN/2019/1239

Statement of Case provide a detailed explanation as to why the Council refused the proposal. I therefore find that sufficient detail was provided to substantiate its position. Although I have come to a different overall conclusion and allowed the appeal, this does not mean that the Council acted unreasonably in refusing the planning application.

6. The applicant suggests that the case officer never visited the site, and as a result was unaware of the physical layout of the site including adjoining structures and the site entrance arrangements. In response, the Council state that a site visit was undertaken on 25 May 2022, and that the officer was able to view the layout of the site including the adjoining structures. There is no conclusive evidence before me either way. However, the Council's officer report provides a detailed description of the site and refers to the key structures within the immediate area. Consequently, it seems to me that the case officer was cognisant with the site and its layout when determining the planning application and was therefore able to make an informed decision.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

B Pattison

INSPECTOR