



Costs Decision

Site visit made on 14 September 2023

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 16th November 2023

Costs application in relation to Appeal Ref: APP/A3655/W/23/3314623 The Whins, Lawfords Hill Road, Worplesdon, Guildford, Surrey GU3 3QB

- 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 S Laffin for a full award of costs against Woking Borough Council.
 - The appeal was against the grant subject to conditions of planning permission for erection of a detached outbuilding to frontage following demolition of existing garage, car port and shed.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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. Other than a sentence on the decision notice, the council has provided no justification for the imposition of the disputed condition. Therefore, the council has failed to provide full and detailed evidence to support their case. Furthermore, for the reasons detailed in my appeal decision, I conclude that condition No. 3 was neither reasonable nor necessary. Without further evidence I cannot conclude that the council's decision to impose this condition was based upon reasonable planning judgement. As such, I conclude that the council has acted unreasonably on substantive grounds.
4. Based on the evidence before me, the wording of condition no. 3, or similar wording, was not discussed at the planning committee nor did the officers seek to negotiate conditions with the applicant or committee members. The applicant has acknowledged that the proposal received a resolution to grant permission at committee, subject to planning conditions. I note that paragraph 56 of the National Planning Policy Framework states that agreeing conditions early is beneficial to all parties involved in the process. However, it is not a legislative requirement for proposed conditions, other than those required to be discharged prior to commencement of development, to be agreed between parties. Also, as per the resolution at committee the council officers were invited to attach conditions to the planning permission that they considered necessary.
5. Likewise, the applicant has highlighted several procedural concerns including a delay in issuing the decision notice following a resolution to grant at committee

and the officer recommending the application for refusal. The PPG highlights that all parties are expected to behave reasonably throughout the planning process, but costs can only be awarded in relation to unnecessary and wasted expense at the appeal. There is no substantive evidence that the council deliberately delayed the issuing of the decision. Also, it is reasonable for council members to come to a different decision to the officer's recommendation. It has not been demonstrated that the delay in issuing the decision or the recommendation to refuse the planning application led to the applicant incurring necessary or wasted expense during the appeal. For these reasons I cannot conclude that the council acted unreasonably on procedural grounds.

6. Notwithstanding this, overall, I find that unreasonable behaviour resulting in an unnecessary or wasted expense, as described in the PPG, has been demonstrated and that a full award of costs is justified.

Costs Order

7. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Woking Borough Council shall pay to Mr S Laffin, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Officer if not agreed.
8. The applicant is now invited to submit to Woking Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching an agreement as to the amount.

J Hobbs

INSPECTOR