



Costs Decision

Site visit made on 14 December 2023

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 January 2024

Costs application in relation to Appeal Ref: APP/D3640/D/23/3327139 Little Pond, Kennel Lane, WINDLESHAM, GU20 6AA

- 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 Martin Brown for a full award of costs against Surrey Heath Borough Council.
 - The appeal was against the refusal of an application for planning permission for the erection of a single storey rear extension with roof lights, extension to first floor side element with roof alterations, new porch, erection of a garage following demolition of the existing garage including changes to fenestration.
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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 (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. The appellant submits that the Council acted unreasonably in that it failed to apply the correct test of 'disproportionate additions' and failed to give proper consideration and weight to the very special circumstances put forward.
4. In the appeal case I am satisfied that the Council applied the correct test by assessing the proposal against the provisions of paragraph 154 (c) of the Framework (previously 149). It was also reasonable to make the judgment about the effect on the openness of the Green Belt.
5. The appellant also accepted that the proposal constituted 'inappropriate development' in the Green Belt because of the degree of additions to the 'original' dwelling which the proposal would further add to.
6. In terms of the 'very special circumstances' put forward each of these required a planning judgment in terms of the assessment and the weight to be applied. While I reached a different view on the weight to be attached to the 'fallback' of the PD extension, and the replacement of the existing garage structure, considered in the round these differences were not material to the overall assessment of the weight to be applied to the factors as to whether very special circumstances applied. The Council's conclusion on these was similar to my own overall judgement on the case taking account of the other appeal decisions put forward.

7. Overall I am satisfied that the Council did not act unreasonably in reaching the decision it did. The costs born by the appellant in lodging the appeal were the normal costs arising when the right of appeal is exercised.

Conclusion

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

David Murray

INSPECTOR