



Costs Decision

Site visit made on 30 January 2024

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 February 2024

Costs application in relation to Appeal Ref: APP/A3655/W/23/3324818 15 Ovington Court, Woking, Surrey, GU21 3RE

- 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 Glen Cookman for a full award of costs against Woking Borough Council.
- The appeal was against the refusal of planning permission for change of use from amenity land to residential garden and to erect a 1.8 m close board fence.

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. PPG provides examples of unreasonable behaviour by local planning authorities, including a lack of co-operation with the other party or parties. However, this is in relation to procedural matters at the appeal. PPG also refers to refusing planning permission on a planning ground capable of being dealt with by condition and not determining similar cases in a consistent manner.
4. The ownership of land does not infer a use and similarly, the selling of land does not override the need for planning permission or imply that it will be given. The handling, and procedures involving the sale of, the land are not matters that are subject to the costs application concerning the planning application and appeal.
5. In my appeal decision I address the merits of the proposal, including that while other fences are found in the area, they are materially different to the appeal scheme. Therefore, the Council have not been inconsistent. My decision also addresses why a condition for a landscaping scheme would not have been appropriate in this instance.

Conclusion

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

Stuart Willis

INSPECTOR