



Costs Decision

Site visit made on 24 January 2024

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th March 2024

Appeal Ref: APP/A3655/W/23/3328994

Technology House, 48 - 54 Goldsworth Road Woking, Surrey, GU21 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 Abri Group Ltd against Woking Borough Council.
 - The appeal was against the refusal of planning permission the demolition of existing buildings and erection of a building of up to 25x storeys comprising 224x residential units, ground floor commercial units, landscaping, bin and cycle storage, public realm works and associated works and facilities (Amended Plans).
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Decision

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

Reasons

2. The Applicant's cost claim relates to (1) addressing the reason for refusal relating to parking; and (2) addressing the matters raised by Ms Balaam (as the character and landscape witness) which went beyond and did not form part of the reasons for refusal which the Council has resolved to pursue. As a result, the appeal has caused unnecessary expense.
3. The National Planning Practice 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 or wasted expense in the appeal process.
4. The PPG makes it clear that a local planning authority is at risk of an award of costs if it fails to produce evidence to substantiate each reason for refusal on appeal and/or makes vague, generalised, or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
5. While the Council is not duty bound to follow the advice of its professional officers, if a different decision is reached the Council must demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence to substantiate that reasoning.
6. Even though I have not found parking provision matters to count against the scheme in my main decision, I acknowledge the parking arguments put by Woking Borough Council (WBC) largely stem from reflecting on the views and concerns of people who live in the area. Such local knowledge of how the area functions has innate value to have regard to. Thus, I accept that parking sensitivity issues and potential resultant stresses are clear and valid planning

concerns of local residents. Albeit there is little in the way of a more formal supporting analysis.

7. Nonetheless, those issues are still adequately substantiated by virtue of local experience for it not to constitute unreasonable behaviour. I also find that potential scope for planning condition use, if it was deemed to be required by the Council, was not an entirely clear-cut matter, inclusive of how this would relate to wider ranging affordable housing requirements and associated implications. Consequently, it does not undermine the approach WBC took.
8. As to Reason for Refusal 1 of the Decision Notice, the Council identified a breach of the development plan as arising from an alleged harmful impact on the character and appearance of the surrounding area. Therefore, the methodological matters raised; commentary on harm arising from the building's height, bulk, and mass (owing to the number of units, which could also be described as density); as well as a critique of any waste management arrangements probable are all reasonable character and appearance related points to make.
9. I find that the wider design issues referred to by the Council's witness were planning arguments chiefly linked to WBC's reason(s) for refusal. I also acknowledge there is substantial overlap in some elements of the arguments given the amenity space reason for refusal also forming WBC's reasoning. To excessively narrow those points would be overly restrictive in these case circumstances and would not enable the Council fair opportunity to properly defend its reasons which led to the appeal.
10. Accordingly, in all respects, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Thus, the applicant's claim for costs fails.

M Shrigley

INSPECTOR