

Costs Decision

Site visit made on 22 March 2024

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL
an Inspector appointed by the Secretary of State

Decision date: 12 June 2024

Costs Application in relation to Appeal Ref: APP/Y3615/D/24/3336978 'Wayside', Dawney Hill, Pirbright, Woking, Surrey GU24 0JB

- 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. and Mrs. Harrison for a full award of costs against Guildford Borough Council.
 - The appeal was made against the refusal of planning permission for "Proposed rear roof extension to enable a loft conversion to habitable accommodation".
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Formal Decision

1. I refuse the application for an award of costs against Guildford Borough Council.

Submissions on behalf of Mr. and Mrs. Harrison (the Appellants)

2. The appellants point out the aims of the costs regime and argue that the local planning authority has not adequately considered points made by the Appellants in support of the calculations made in relation to the scale of the proposed extensions.
3. In consequence, it is argued that the local planning authority have failed to properly consider whether the proposed additions to the original building should have been considered to be "disproportionate", in terms of Green Belt Policy. Thus, it is claimed that planning permission was refused unreasonably. The application is made for an award of the entire costs of the appeal.

Submissions by Guildford Borough Council

4. The Council have not responded to the application for costs but have defended their refusal of planning permission.

Reasons

5. The 'Planning Practice Guidance' 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.
6. I have formed the opinion that the Council's responses to points raised by the applicant during the application process were, indeed, inadequate in some respects, as argued by the appellants. Nevertheless, the underlying argument, that the proposed extensions ought to be considered as "inappropriate"

development in the Green Belt had some legitimacy based on wider considerations rather than mere mechanical calculations.

7. Moreover, I have not shared the Council's opinion in the appeal in relation to the Green Belt issue. I have concluded that the appeal ought to fail on broader design grounds, which had been raised in the submissions, and the appeal has been dismissed as a result. In respect of the appeal process as a whole, I do not consider that the Council's behaviour has been such that it amounted to unreasonable behaviour as envisaged in the 'Planning Practice Guidance'.
8. Notwithstanding the Council's approach, therefore, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the 'Planning Practice Guidance', has not been demonstrated. Hence, I have refused the application for costs against Guildford Borough Council.

RC Shrimplin

INSPECTOR