



Costs Decision

Site visit made on 29 February 2024

by R Lawrence MRTPI, BSc (hons), PGDip (TP)

an Inspector appointed by the Secretary of State

Decision date: 2 July 2024

Costs application in relation to Appeal Ref: APP/D3640/W/23/3325621 Broomacre, Station Road, Chobham, Woking, Surrey GU24 8AZ

- 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 Richard Turner for a full award of costs against Surrey Heath Borough Council.
 - The appeal was against the refusal of planning permission for Erection of a two-storey rear extension, single storey side extension and 3 dormer windows following the conversion of the roofspace to habitable accommodation, partial demolition of the existing property and associated alterations at Broomacre, Station Road, Chobham, Woking, Surrey GU24 8AZ in accordance with the application Ref 22/1087/PMR, without compliance with condition number 3 previously imposed on planning permission Ref 12/0617 dated 26/11/2012.
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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 applicant alleges that the Council has demonstrated unreasonable behaviour due to failing to submit an appeal statement to justify their reasons for refusing the application.
4. The Council's reasons for refusing the application are set out within the related delegated officer report. The report also identifies the relevant planning history and development plan policies.
5. There is an expectation for the Council to justify each of their reasons for refusal. However, so long as this justification is provided elsewhere, there is no specific requirement for the submission of a statement of case.
6. Additional comments were sought from both parties in respect of the effect of the development on the Green Belt, as, notwithstanding the reason for refusal, the Council's evidence highlighted this to be a relevant matter for consideration. This request was addressed by the Council within a written statement.
7. Although in my main decision I did not share their conclusions, and consequently allowed the appeal, I am satisfied that the Council have a reasoned assessment for their decision, and it was not unreasonable for them to have found otherwise.

8. Therefore, I do not consider that unreasonable behaviour has been demonstrated within the meaning of the PPG. It follows that the applicant was not put to unnecessary or wasted expense in testing the Council's findings at appeal.

Conclusion

9. In light of the above, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

R Lawrence

INSPECTOR