



Costs Decision

Site visit made on 28 August 2024

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2024

Costs application in relation to Appeal Ref: APP/R3650/W/23/3336021 Land Opposite 12 Old Park Lane, Farnham GU9 0AH

- 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 & Ms A & G de Silva & Tyrrell for a full award of costs against Waverley Borough Council.
 - The appeal was against the refusal of planning permission for the conversion of and extension to an ancillary building to create a new dwelling.
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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. There are several strands to the applicant's case for an award of costs. In summary, the applicant sets out that the council has acted unreasonably on a number of substantive grounds. This includes failure to produce evidence to substantiate a reason for refusal, failing to take into account a submitted document and nearby permitted scheme, and making errors in respect of a designation and quoted distance.
4. The reasons for refusal set out in the decision notice for the application are sufficiently complete, precise, specific, and relevant to the application. The decision notice also clearly states the policies that the Council consider the proposal would be in conflict with. In my view, the reasons for refusal were adequately substantiated by the Council in its officer report, albeit I have come to a different conclusion to the Council on the second reason for refusal. Even if the Council had found matters relating to parking provision acceptable, this would not have changed the outcome of the application.
5. In respect of the Council's reference to the Area of Great Landscape Value, it has confirmed that this was in error. This is far from ideal. However, this matter alone would not have changed the Council's conclusion in respect of character and appearance.
6. I have no evidence before me to substantiate the claim that the Council did not take into consideration the appellant's submitted Landscape and Visual Assessment. I do not consider that a lack of specific reference to a particular submitted document automatically means that it has not been considered.

7. I acknowledge the disagreement between the parties in respect of the distance from the appeal site to the town centre. However, it is undisputed that the site lies in the open countryside. No reason for refusal relates specifically to the unsustainable location of the site. Even if it did, this would not have changed the outcome of the planning decision overall. I am also satisfied that sufficient consideration was given to other permitted schemes raised by the appellant.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

A Price

INSPECTOR