



Costs Decision

by **L Perkins BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 October 2024

**Costs application in relation to Appeal Ref: APP/Y3615/X/24/3342491
Hillpath, 19 Pilgrims Way, Guildford, Surrey GU4 8AD**

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by T&CPP LTD for a full award of costs against Guildford Borough Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for a certificate of lawful use or development for: The proposed siting of a shipping container within the land edged red on the plan for use ancillary to the lawful residential use of the dwellinghouse.
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Decision

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

Reasons

2. 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 crux of the applicant's case is that the Council refused to validate the lawful development certificate (LDC) application and failed to substantiate its case for the deemed refusal of the LDC application.
4. Be this as it may (and bearing in mind no submissions have been provided by the Council), the appellant's case for the appeal is lacking in clarity and is insufficiently precise and insufficiently unambiguous, as I have found in my appeal decision. So the appeal was not avoidable, meaning that the costs of preparing and submitting the appeal were not wasted.
5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

L Perkins

INSPECTOR