



Costs Decision

Site visit made on 4 September 2024

by Lewis Condé BSc, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2024

Costs application in relation to Appeal Ref: APP/D3640/W/24/3341569 The Ferns, Woodlands Lane, Windlesham, Surrey GU20 6AS

- 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 Mrs Melanie Chetley for a full award of costs against Surrey Heath Borough Council.
 - The appeal was against the refusal of planning permission for demolition of existing dwelling and erection of 7 dwellings with associated landscaping and parking.
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Decision

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

Procedural Matters

2. The applicant submitted a video link to a recording of the Planning Committee meeting as part of her evidence. The 'Procedural Guide: Planning appeals – England,' states that audio or video evidence will not be accepted and that a written summary should instead be provided. Accordingly, I have not taken the video evidence into account in reaching my decision, but I have considered the transcript of the meeting also provided by the applicant.

Reasons

3. 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.
4. The application essentially relies on the fact the Council Officers recommended that planning permission be granted for the proposal, but that the Council Members took a different course of action without adequate reason to do so, particularly in light of the site being allocated for development. It is also claimed that Council Members procedurally erred in their decision by determining the proposals against policies of the Windlesham Neighbourhood Plan 2018 – 2028 (the WNP), which the applicant argues is not relevant to the appeal scheme.
5. As will be seen from my main decision, I have found that the policies of the WNP remain relevant to development proposals at the application site. As such, I find it reasonable that the Council considered the WNP policies in determining the planning application.
6. Irrespective of a site being allocated for development, the Council Members in this case were entitled not to accept the professional view of Officers so long as

a case could be made for the contrary view. Whilst I do not agree with the Council, its first reason for refusal in respect of the design of the proposal and its effects on the character and appearance of the area is nevertheless a matter of planning judgement. Nor does the site's allocation override the need for development to be suitably designed. Furthermore, the reason for refusal as set out in the decision notice is complete, precise, specific, and relevant to the application. It also clearly sets out the policies of the development plan that the proposal was deemed to conflict with. I therefore do not find the Council's first reason for refusal to be unreasonable.

7. In respect of the second reason of refusal, I have found the appeal scheme to overall comply with the purpose of Policy WNP4.1, alongside other relevant development plan policies. Nonetheless, as the garages were not demonstrated to meet the minimum internal size dimensions promoted under Policy WNP4.1, I also do not find the Council's second reason for refusal to be unreasonable.
8. The applicant further sets out that members voted to refuse the application before arriving at their reasons for refusal. However, from the available transcript it appears clear that discussions immediately prior to Members voting to refuse the application had related to perceived inadequacies in terms of the design of the scheme, including its parking arrangements. As such, these concerns that were discussed at the meeting logically formed the basis for the vote to refuse the application, even though it may not have been explicitly stated at the time of the vote. To my mind, on the available evidence, subsequent conversations at the committee sought clarity on the precise reasons for refusal, as opposed to demonstrating any pre-determination of the application.
9. I also note the claims of the applicant that one of the Council Members demonstrated bias against the proposal, including expressing delight that grounds on which to refuse the planning application had been found. Based on the submitted transcript of the committee meeting, it appears that the conduct of the relevant Council Member was unprofessional. Be that as it may, this does not demonstrate that an unreasonable decision was reached by the planning committee.
10. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Lewis Condé

INSPECTOR