



Costs Decision

Site visit made on 7 February 2025

by **R J Redford MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 February 2025

Costs application in relation to Appeal Ref: APP/D3640/W/24/3347474

2 Glynswood, Camberley, Surrey GU15 1HU

- 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 Ms Marie for a full award of costs against Surrey Heath Borough Council.
 - The appeal was against the refusal of planning permission for the erection of detached part single, part two storey dwelling without complying with a condition attached to planning permission Ref 22/0371/FFU.
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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 applicant considers the Council has acted unreasonably by failing to adhere to Circular 11/95 'The use of conditions in planning permission' when considering the subject of conditions in planning matters.
4. However, in 2014 Circular 11/95 was cancelled and replaced by the PPG 'Use of planning conditions'. The PPG sets out what conditions should achieve if they are to be attached to a planning permission and broadly aligns with Circular 11/95.
5. The dwelling was approved by appeal and condition 4 listed the approved plans. A condition specifying the approved plans is necessary to provide clarity and specify what has been approved. It also allows the potential for the approved scheme to be altered by variation of the plans condition. This is what the appellant has sought to achieve in this case. The inclusion of condition 4 on the original permission and the reasoning for it therefore complies with the PPG.
6. On considering the proposed variation of condition 4, it is clear from the information before me, the Council undertook a thorough assessment of any potential impact and justified its reason to refuse with reference to relevant policies.
7. Accordingly, I am satisfied the inclusion of condition 4 on the original permission and how the Council has dealt with the proposed variation comply with the PPG so do not constitute unreasonable behaviour. As parties are normally expected to meet their own appeal expenses, I do not find any unnecessary or wasted expense have occurred. An award of costs is not, therefore, warranted.

R J Redford

INSPECTOR