



Costs Decision

Site visit made on 8 April 2025

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 April 2025

Costs application in relation to

Appeal A Ref: APP/Y3615/C/24/3341825

Appeal B Ref: APP/Y3615/C/24/3341826

Appeal C Ref: APP/Y3615/W/23/3334438

1 Tower Hill Villa, Goose Green, Gomshall, Guildford, Surrey GU5 9LL

- The application is made under the Town and Country Planning Act 1990, sections 78, 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Ben Greaves and Mrs N Dade-Greaves for a full award of costs against Guildford Borough Council.
 - Appeals A and B were against an enforcement notice alleging the unauthorised erection of a building and fence.
 - Appeal C was against a refusal of planning permission for an outbuilding.
-

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 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. I understand that when the Council first contacted the appellants in respect of a breach of planning control, it was in connection with the outbuilding only. This prompted an application for planning permission for the outbuilding. Only after the refusal of that application and the making of Appeal C, were the appellants notified that the fence was a further breach of planning control. After a brief email exchange, the enforcement notice subject of Appeals A and B ("the Notice") was served.
4. While the appellants believed that the fence did not require planning permission, their lack of awareness of the Council's concern meant that they were deprived the opportunity to make a planning application for it alongside the outbuilding. If they had done so, the ground (a) appeal may have been fee exempt.
5. Nevertheless, the Council did raise the matter of the fence before serving the Notice. The appellants could have chosen to make an application for planning permission or a certificate of lawful development at that time. Although that may also have incurred a cost, there is no clear reason before me that suggests that a local planning authority must raise all possible breaches of planning control with a landowner at the same time. I note that the appellants were unable to obtain pre-application advice, or discuss the development with the Council's officers.

However, there is no substantive evidence that doing so would have led to a different outcome.

6. Ultimately, a landowner has a responsibility to obtain the necessary permissions prior to carrying out the development. While it might have been desirable for concerns about the outbuilding and the fence to have been raised together, I find that a failure to do so did not amount to unreasonable behaviour.
7. In considering the planning merits of the outbuilding, the Council has not shown regard to the possibility that it might be considered as an extension to the main house. Nor has it provided a detailed response to the appellants' submissions that such an approach would make it not inappropriate development in the Green Belt. However, the Council also refused planning permission, and served the Notice for other reasons, so this has not resulted in an unnecessary, appeal or demonstrable wasted expense in the appeal process.
8. Having refused the planning application, the Council chose not to await the outcome of Appeal C before serving the Notice. Waiting may have avoided the need for an additional appeal statement, but it would also have protracted matters. While I have found the development acceptable, the Council's judgement was that harm was occurring and, in that context, there is nothing unreasonable in its desire to expedite enforcement proceedings. That also allowed the appeals to be considered simultaneously, and had I decided that the appeals should be dismissed, would have remedied any harm more quickly.
9. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

M Bale

INSPECTOR