

Costs Decision

Site visit made on 31 August 2016

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 September 2016

**Costs application in relation to Appeal Ref: APP/T0355/W/16/3151162
47 Allenby Road, Maidenhead, Berkshire, SL6 5BE**

- 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 Ricky Davidson for a full award of costs against the Council of the Royal Borough of Windsor and Maidenhead.
 - The appeal was made against the Council's decision to refuse planning permission for the change of use of the existing detached ancillary playroom to a self-contained separate one bedroom dwelling with retention of detached garage, existing garden and off street parking.
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Decision

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

Reasons

2. The *Planning Practice Guidance* (the Guidance) advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
 3. In the costs application, the appellant refers to a sound recording of the Council's Development Control Panel's discussion of the merits of the application at the time of determination. The sound recording has not been made available to me for the reasons already provided to the appellant by the Inspectorate.
 4. The thrust of the appellant's case is that the Council's officers recommended that permission be granted for the proposed scheme, and that Councillors in rejecting that advice have not shown they had reasonable planning grounds for taking a contrary decision.
 5. The Council, in determining applications, is obliged to consider professional advice, all relevant comments made by the public and other consultees, and to weigh them in the balance, having regard to the provisions of the development plan and other material considerations. There is no compelling evidence that the Council acted otherwise.
 6. Decisions involving such matters as the effect on local character or appearance and the quality and adequacy of external amenity space are based to a significant extent on personal judgments, and can be finely balanced. That
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members' subjective assessments differed from those of its officers on these issues does not, in itself, amount to unreasonable behaviour. Moreover, I do not consider the officer report to have fully or adequately assessed the implications of the proposal's effect on local character.

7. Especially since I share the Council's view of the proposal's effect on local character, and having regard to all other matters raised, I consider that the Council exercised its duty to determine the application in a reasonable manner and in those circumstances the Guidance advises that it should not be liable for an award of costs.
8. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in the Guidance, has not been demonstrated and the application for an award of costs is accordingly refused.

G Powys Jones

INSPECTOR