
Costs Decision

Site visit made on 14 September 2016

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 27 September 2016

Costs application in relation to Appeal Ref: APP/T0355/W/16/3150215 31-33 Belmont Road, Maidenhead, Berkshire, SL6 6JL

- 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 Leon Tusz (Leon Tusz Developments Ltd) for a full award of costs against Council of the Royal Borough of Windsor and Maidenhead.
 - The appeal was against the refusal of planning permission for the erection of 2 buildings comprising seven 1-bedroom units with access, parking and amenity space.
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Decision

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

Reasons

2. Whilst I have found in the applicant's favour in respect of the outcome of the appeal, I do not share the applicant's view that the Council has continually failed to specify how many daily traffic movements they consider would be generated. The Council was of the view that the worst case scenario was 42 traffic movements per day. This estimate was based on The Council's SPD for Planning Obligations and Developers' Contributions to Infrastructure and Amenity Requirements, 2014. Whilst I have found this document to be an inappropriate tool for assessing highway safety matters, and found that the appellant's approach to be more sophisticated, the Council made an attempt to substantiate its case.
3. I note that it took the Council a very long time to determine the application but correspondence was on-going during this time. Ultimately, there was a difference of opinion and the appeal could not have been avoided.
4. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, the applicant's claim for costs fails.

Siobhan Watson

INSPECTOR
