The Planning Inspectorate

Costs Decisions

Site visit made on 6 September 2016

by R J Jackson BA MPhil DMS MRTPI MCMI

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

Decision date: 27 October 2016

Costs Application A in relation to Appeal Ref: APP/T0355/W/16/3151615
Glebelands Farm, Drift Road, Maidenhead SL6 3ST

- 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 J Bennett for a full award of costs against Council of the Royal Borough of Windsor and Maidenhead.
- The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for outline application for demolition of existing agricultural and horticultural buildings and construction of a purpose designed quadrangle of stables, tack rooms, feed stores, hay barn and grooms day room, along with a variation of condition on the agriculturally occupancy dwelling to allow for a polo manager all of which relates to a private members only polo establishment.

Costs Application B in relation to Appeal Ref: APP/T0355/W/16/3151610
Glebelands Farm, Drift Road, Maidenhead SL6 3ST

- 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 J Bennett for a full award of costs against Council of the Royal Borough of Windsor and Maidenhead.
- The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for full application for a full sized polo pitch and associated stick and ball pitch.

Decisions

Application A

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

Application B

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

Reasons

3. Irrespective of the outcome of the appeal, costs may only 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 applications for full costs were given in writing as has been the responses of the Council. The applications were made on the same grounds in respect of both matters and can be considered together.

5. The applications were based on the premise that the Council failed to determine the applications within the time limits and failed to give the applicant a proper explanation for not reaching a decision within that period. The applicant considers that this failure is compounded by the fact that they undertook pre-application discussions with the Council which gave her, as she saw it, a reasonable expectation that planning permission would be forthcoming.

6. In looking at the timeline of events it seems to me that the Council did act unreasonably in failing to make decisions over nearly 11 months. While there were queries raised over the whether the proposals represented inappropriate development in the Green Belt and on highway matters these could and should have been resolved as part of the pre-application process, or at very least within the normal application timescales or soon after the response of the Highway Authority was initially received.

7. However, that the Council was unreasonable in its behaviour does not necessarily lead to an award of costs. As the national Planning Practice Guidance (the PPG) makes clear[1] the unreasonable behaviour must directly cause another party to incur unnecessary or wasted expense in the appeal process.

8. As can be seen from my appeal decisions the proposals involved the balancing of various factors to conclude whether or not there were very special circumstances to justify the proposals in the Green Belt. These are not cases where development was prevented or delayed which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.

9. Therefore the appeals could not have been avoided and the applicant was therefore not put to unnecessary or wasted expense in the appeals processes.

Conclusion

10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

R J Jackson

INSPECTOR

[1] Paragraph Reference 16-030-20140306