
Costs Decision

Site visit made on 28 November 2016

by Mr N P Freeman BA(Hons) DipTP MRTPI DMS

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

Decision date: 13 January 2017

Costs application in relation to Appeal Refs: APP/X0360/C/16/3153379, 3153381, 3153383 & 3153386

Flats 1-4, Acorn House, 61 Peach Street, Wokingham, RG40 1XP

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5), by Wokingham Borough Council for an award of costs against Ms Christine Ann Meyer.
 - The appeals were against enforcement notices alleging the unauthorised installation of replacement uPVC windows and doors.
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Decision

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

Reasons

2. I have considered the application in the light of advice contained in the Government's Planning Practice Guidance (PPG) on such matters. This advises that irrespective of the outcome of the appeals 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.
3. The Council have not specified if the application is for a full or partial award but as the only argument put forward concerns ground (c) I take it to be the latter. The claim is that the appeals on this basis had no reasonable prospect of succeeding as the windows and doors installed result in a material alteration to the external appearance of the building which constitutes development requiring planning permission. Having regard to the advice in paragraph 53 of the relevant PPG it is asserted that this justifies an award of costs.
4. The appellant's agent argues that no appeal statement has been submitted by the Council and the only comment on the appeals themselves is a response to a point for appellant concerning sound insulation which has nothing to do with the ground (c) argument. In fact the Council did submit a statement within the prescribed time deadline and this has now been forwarded to the appellant. She and her agent have had the opportunity to consider the arguments advanced and the agent responded by a letter dated 6 January 2017. Consequently both parties have had adequate time to consider each other's cases.
5. In terms of the single point made I do not consider that appealing on ground (c) for all four appeals had no reasonable prospect of success. Whilst I have found against the appellant on this ground reasonable arguments were put

forward and as the agent argues it comes down to a matter of judgement as to whether the developments that have taken place have resulted in alterations that affect the external appearance of the building. I have found that they have but that does not mean that it was unreasonable to pursue this ground of appeal.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

N P Freeman

INSPECTOR