
Costs Decision

Site visit made on 18 January 2017

by Les Greenwood MRTPI

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

Decision date: 27 January 2017

Costs application in relation to Appeal Ref: APP/X0360/D/16/3163751 Land at 12 Gadd Close, Wokingham RG40 5PQ

- 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 and Mrs D Rees for a full award of costs against Wokingham Borough Council.
 - The appeal was against the refusal of planning permission for a garage side extension and conversion.
-

Decision

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

Reasons

2. 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. An application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in such unnecessary or wasted expense. Parties in planning appeals and other planning proceedings normally meet their own expenses.
3. The Planning Practice Guidance advises that a costs award may be made against a local planning authority where, amongst other things: (i) it prevents or delays development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; or (ii) it makes vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. The appellants submit that the Council's assessment of this case has been misguided and overly prescriptive bearing in mind the National Planning Policy Framework's advice that design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development. Reference is also made to the Framework's further advice that planning decisions should not attempt to impose architectural styles or particular tastes.
5. The Framework also stresses, however, that it is proper to seek to promote local distinctiveness. I see a distinction between the Framework's advice on general design policies and the assessment of individual cases, where design

details may often be important. Although I agree with the appellants that the proposal would not harm the street scene and is therefore acceptable, I also recognise that this is to some extent a subjective judgement.

6. The Council's case referenced adopted policies and contained reasonable arguments regarding the prominence of the outbuilding, the partial closure of a visual gap and the substantial change in the outbuilding's character and appearance. The Council's points were not vague or generalised and related to an analysis of local character. It did not attempt to impose a particular architectural style or taste.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense as described in the Planning Practice Guidance has not been demonstrated.

Les Greenwood

INSPECTOR