
Costs Decision

Site visit made on 30 January 2017

by H Baugh-Jones BA(Hons) DipLA MA CMLI

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

Decision date: 10th February 2017

Costs application in relation to Appeal Ref: APP/E0345/D/16/3160831 44 Park lane, Tilehurst, Reading RG31 5DT

- 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 Z Iqbal for a full award of costs against Reading Borough Council.
 - The appeal was against the refusal of planning permission for rear extension measuring 6m in depth with a maximum height of 3.5m and 2.5m in height to eaves level.
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that, 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 expense in the appeal process. Paragraph 049 of the PPG sets out that a Council is at risk of an award of costs if it prevents or delays development which should have been permitted, having regard to its accordance with the development plan, national policy and any other material considerations and/or where there is a failure to produce evidence to substantiate each reason for refusal.
 3. In this case, it is argued that the Council should have made a different interpretation of the relevant provisions of Schedule 2, Part 1, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 4. It has been put to me that the Council made a decision to refuse the application when a large amount of information by way of other appeal decisions, decisions by other councils and by the Council itself suggested a different course of action should have been taken.
 5. The information provided, and which I referred to in my appeal decision letter, does appear to support the stance that prior approval is not required for the proposal based on the fact that the part of the dwelling that included a wall forming a side elevation was to be demolished. The appellant asserts that the Council was made aware of this information prior to making its decision. However, this claim has not been supported by any empirical evidence and I cannot therefore be certain that the Council was in possession of the information before it made its decision and that it was somehow wilfully disregarded.
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6. In any case, from my reading of the Council's officer report, emphasis was placed on what constituted the 'original dwellinghouse' and it is clear to me that the demolished rear offshoot did form part of it. It is this that seems to have informed the Council's thinking even though this was misguided. However, whilst the Council's interpretation may have been flawed, this is a different matter to that of behaving unreasonably.
7. For the above reasons and having had regard to all other matters raised, I do not find that the Council has acted unreasonably in its determination of the application or that the appellant has suffered unnecessary or wasted expense. Accordingly, the costs application does not succeed.

Hayden Baugh-Jones

Inspector