The Planning Inspectorate

# Costs Decision

Site visit made on 21 March 2017

**by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI**

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

**Decision date: 4 May 2017**

**Costs application in relation to Appeal Ref: APP/W0340/W/16/3165818**
**9 Shooters Hill, Pangbourne, Reading RG8 7DZ**

- 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 Arrowsmith, Weirview Ltd for a full award of costs against West Berkshire Council.
- The appeal was against the refusal of planning permission for the demolition of existing 11no. bed guest house and construction of 5no. terraced dwellings.

## Decision

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

## Reasons

2. I have considered this application for costs in the light of the Planning Practice Guidance (PPG). This advises that an award of costs against a local planning authority may be procedural, relating to the appeal process, or substantive, relating to the planning merits of the appeal. It makes clear that a local planning authority is required to behave reasonably in relation to both of these elements and provides examples of unreasonable behaviour[1].

3. The examples, in terms of substantive behaviour, include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy, and any other material considerations. This is the ground upon which the applicant considers that the Council has acted unreasonably.

4. More specifically, the applicant claims that the Council failed to lend appropriate weight to national planning policy defining the specific circumstances where contributions for affordable housing should not be sought from small scale development, as expressed in the Written Ministerial Statement (WMS) dated 28 November 2014, and as referred to in the PPG.

5. The Council's determination should be made in accordance with the development plan unless material considerations indicate otherwise, and the WMS and PPG are material considerations. However, the Council, as decision maker, "cannot blindly follow a pre-existing policy without considering anything said to persuade him that the case in hand is an exception"[2]. It acknowledged the importance of the WMS as a material consideration, but lent greater weight

[1] Paragraph: 047 Reference ID: 16-047-20140306 and paragraph: 049 Reference ID: 16-049-20140306

2 Paragraph 16, Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council C1/2015/2559; [2016] EWCA Civ 441.

to the policies in its development plan. It is for the decision taker to weigh any conflict between relevant policies in the light of the material considerations, including local circumstances, which the Council set out in the reasoning behind its decision.

**Conclusion**

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated, and the application for costs therefore fails.

*Patrick Whelan*

INSPECTOR