
Costs Decision

Site visit made on 26 June 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: 19 July 2017

Costs application in relation to Appeal Ref: APP/X0360/W/17/3172028 Land adjacent to Grange Lodge, Cutbush Lane, Shinfield RG2 9AL

- 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 David Dean for a partial award of costs against Wokingham Borough Council.
 - The appeal was against the refusal of an application for planning permission for two number detached 5 bedroom houses with access and parking.
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Decision

1. The application for a partial award of costs is refused.

Reasons

2. The Planning Practice Guidance (the PPG) advises that costs may be awarded against a party who has behaved unreasonably, in either a procedural or substantive way, and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The PPG provides examples of unreasonable behaviour¹ in terms of the substance of the matter under appeal, which includes persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable.
3. The applicant claims that the Council's reason for refusal concerning the location of the site and the principle of residential development was unreasonable. He considers that it did not give sufficient weight to the Inspector's conclusions on the previous scheme, where the Inspector differentiated the appeal site from the character of the surrounding land and concluded that the proposal was sustainable development.
4. However, the Inspector on the previous scheme acknowledged the site's location outside the development boundary. He did not conclude that any residential development on the site would be acceptable. Rather, that having weighed all the evidence and taken into account all the relevant material considerations in that case, including the effect of surrounding development, that the proposal would not harm the character and appearance of the area.
5. The scheme in this appeal was significantly different to that proposal. It concerned the whole of the triangle of land rather than just a part of it. It included twice the development and would have a quite different bearing on the character of the area. Furthermore, since that appeal was decided, the

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

Shinfield Neighbourhood Plan has been made, which restricts development outside the development boundaries.

6. I appreciate the frustration of the applicant and I understand the need for consistency in decision-making. My Decision as regards the character of the area concluded differently from the Council. However, given the difference between the scheme in this appeal and the scheme in the previous appeal, as well as the recently adopted Neighbourhood Plan, the Council has not behaved unreasonably.

Conclusion

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

Patrick Whelan

INSPECTOR