The Planning Inspectorate

Costs Decision

Site visit made on 24 October 2017

by S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI

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

Decision date: 27th November 2017

Costs application in relation to Appeal Ref: APP/W0340/W/17/3179237
Oak Tree Cottage, Aldworth Road, Upper Basildon, Reading RG8 8NH

- 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 Messrs and Mrs Walters and Clements for a full award of costs against West Berkshire Council.
- The appeal was against the refusal of planning permission for the demolition of Oak Tree Cottage and construction of 3 detached dwellings with detached carports and associated works.

Decision

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

Reasons

2. The Planning Practice Guidance (PPG) 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.

3. The Council refused the scheme for three reasons, relating to the character and appearance of the area, provision of parking and ecology. In addressing the effect of the scheme on the village of Upper Basildon and the North Wessex Downs Area of Outstanding Natural Beauty (AONB) the officer's report included some factual errors and confusing references to the area as both 'rural' and 'semi-rural'. Nevertheless, it identified reasons why the scheme would cause harm and referred to relevant development plan policies, which justified its reason for refusing the scheme.

4. It will be seen from my decision letter that I did not concur with all the Council's arguments, but still concluded that the proposal would have an unacceptable effect on the semi-rural character of the area. The Council therefore did not act unreasonably in refusing the scheme. In any event it supported its decision by providing a more detailed statement as part of the appeal process.

5. The officer's report appeared to confuse the provision of car ports with garages. The highway authority does not include garages as parking spaces as these buildings can often be used for purposes other than housing a vehicle. Whilst this is reasonable, the plans submitted with the application clearly indicated that the proposal included car ports, not garages. The proposal would therefore have provided sufficient parking spaces to satisfy the Council's requirements.

6. Refusing the scheme due to a lack of on-site parking was an error, which the Council has subsequently admitted. The Council did not contest this reason for refusal and offered the appellants an apology. It was not necessary for the appellants to provide additional information to support their case in respect of this aspect of the scheme. The amount of time taken to address this issue within the appellants' appeal statement was therefore minimal and, in my view, did not result in wasted expense over and above that which was required to pursue the appeal as a whole.

7. The original application was not accompanied by an ecological appraisal. This essential information was requested and provided during the period that the Council was considering the scheme. This survey demonstrated that there were no protected species on the site, but made recommendations for ecological enhancements and best practice to protect nesting birds.

8. The Council therefore acted unreasonably in refusing the scheme due to a lack of detailed ecological information. However, it has accepted the error, offered an apology and not contested this reason for refusal. The appellants' appeal statement briefly sets out what happened and the report's conclusions. No wasted expense was therefore incurred by the appellants in dealing with this issue as part of the appeal.

9. Although two of the Council's reasons for refusal were applied in error, the substantive reason relating to the effect of the scheme on the character and appearance of the area was justified. The appeal was therefore unavoidable and the appellants have not incurred unnecessary or wasted expense in presenting their case.

Conclusion

10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and an award of costs is not justified.

Sheila Holden

INSPECTOR