
Costs Decision

Inquiry Opened on 2 May 2018

Site visit made on 10 May 2018

by Joanne Burston BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th September 2018

Costs application in relation to Appeal Ref: APP/W0340/W/17/3179551 Budds Plantation, Aldermaston, Reading, Berkshire RG7 4PJ

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by West Berkshire Council for a partial award of costs against CITP Ltd.
 - The inquiry was in connection with an appeal against the refusal of planning permission for the change of use of storage building (B8) and surrounding land to Construction Industry Training Facility (D1). Retrospective engineering ground works, office building and observation tower.
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Decision

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

The submissions for West Berkshire Council

2. The submissions by West Berkshire Council were made in writing and so are not summarised here.

The response by CITP Ltd

3. The response by CITP Ltd was made in writing and so is not summarised here.

Reasons

4. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused another to incur unnecessary or wasted expense in the appeal process. For an application for costs to succeed, an applicant will need to demonstrate clearly how any alleged unreasonable behaviour has also resulted in unnecessary or wasted expense.
5. The Council states that due to the planning permission for the Reserve Power Plant, the appellant had only a limited time (2 years) to remain at the appeal site. Given these circumstances the offer made by the Council to serve an enforcement notice and stop the limitation clock ticking provided the compliance period accorded with the two year time period should have been accepted as a pragmatic solution.
6. The sequence of events leading up to the Inquiry was discussed at the event. Constructive co-operation and dialogue between the parties at all stages is good practice and encouraged. Nevertheless, parties also need to accept the

possibility that a view taken in the past can no longer be supported and act accordingly.

7. Whilst I acknowledge the Council's comments regarding enforcement powers, the decision made by the appellant to continue with the appeal proceedings was up to his own personal preference. Further, there is nothing before me to indicate that co-operation and dialogue were lacking in any unreasonable way.
8. Given the above, I am satisfied that the appellant acted reasonably in all respects. As such, the appeal could not have been avoided and no unnecessary or wasted expense was consequently incurred.
9. For this reason and having regard to all other matters raised, a partial award of costs is therefore not justified.

Joanne Burston

INSPECTOR