



Costs Decision

Site visit made on 17 May 2019

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MR

an Inspector appointed by the Secretary of State

Decision date: 9th July 2019

Costs application in relation to Appeal Ref: APP/W0340/W/19/3222886 Silvertrees, Red Lane, Reading RG7 4PA

- 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 Sean Conway for a full award of costs against West Berkshire District Council.
 - The appeal was against the refusal of planning permission for the erection of a new 4 bedroom replacement dwelling.
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Decision

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

Reasons

2. The Government's Planning Practice Guidance 2014 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 applicant recites some of the Government's basic principles as to the award of costs against parties to an appeal and their relevance to this case.
4. In this instance he considers that the initial non-determination of the first application within the statutory period, followed by the determination of the second application based not on the facts of the site nor that of Planning and Case Law, has forced him to resort to the appeals system, thereby incurring unnecessary cost and delay. In particular he was disappointed that having been advised to withdraw the first application to enable the Council to fully assess the matters already raised through its consideration of the second application, they were still not adequately addressed.
5. I note that a detailed Planning Support Statement dated August 2018 was prepared but that the second application was not made until 20 October. I am probably missing much of the detail of any correspondence between the Council and the applicant, but as a general point I consider that the essence of the costs application is that this document and perhaps others were largely ignored by the Council and certainly not addressed in the officer's report.
6. Having read the latter, this does seem to be the case. For example, the relatively complex and detailed arguments as to the legal precedents for 'abandonment' advanced in the Planning Statement were summarily rejected in paragraph 4.7 of the report.

7. However, I consider the applicant may to some extent be under a misapprehension as to how Local Planning Authorities (LPAs) process applications. For the most part the officer's report will set out the position as the Council sees it and not respond – certainly in any detail - to supporting submissions made by an applicant. The Government does encourage a much more proactive approach by LPAs, but the constraints of the modern day development management process, in particular time, are unlikely to permit the detailed level of engagement that the applicant possibly anticipated.
8. At appeal, a LPA in defending its decision is much more likely to consider the appellant's arguments, whilst an Inspector is bound both legally and procedurally to adequately address the submissions of both sides, or at least the thrust of them, and form a reasoned argument to support the decision he or she has made.
9. From my examination of the Council's officer's report and its processing of the appeal application in this case, I do not find it as being fundamentally inadequate or in any way untypical of the many others I have previously considered.
10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Martin Andrews

INSPECTOR