
Costs Decision

Site visit made on 17 June 2019

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2019

Costs application in relation to Appeal Ref: APP/R0335/W/18/3217673 Rose And Crown, 108 High Street, Sandhurst GU47 8HA

- 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 Punch Partnerships (PML) Ltd for a full award of costs against Bracknell Forest Borough Council.
 - The appeal was against the refusal of planning permission for the retention of public house (Use Class A4) and erection of 2no. 3-bed dwellings (Use Class C3) together with associated access, parking, landscaping and bin/cycle storage.
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Decision

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

Reasons

2. Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The applicant considers that the Council has prevented development which clearly should have been permitted and has failed to substantiate its reason for refusing to grant planning permission on pedestrian safety grounds.
4. I note that the Highway Authority did not object to the proposal, but also note that the Council's concerns were focussed in a location set slightly away from the local highway network, which is where the Highway Authority's principal interests would lie.
5. I acknowledge that the parking of vehicles in the site's car park already necessitates pedestrian movements associated with the existing public house. It is however the case that the proposal, albeit to a limited extent, would lead to additional pedestrian movements occurring through the car park and for the entirety of its length. As is already the case, the constrained nature of the car park's layout lends itself to multiple manoeuvres potentially being required by drivers when entering and existing spaces during busy periods. Whilst I am unaware of any recently reported incidents related to pedestrian safety being compromised on-site, the proposal, by virtue of introducing residential occupation to the rear of the car park, would raise the potential for conflict to occur between manoeuvring cars and pedestrians.
6. Notwithstanding this limited raised potential for conflict to occur, it will be seen from my decision with respect to the planning appeal that I do not consider

that unsafe pedestrian access arrangements would be provided. I however do not consider that the Council behaved unreasonably in coming to a different conclusion. This is particularly in light of the site-specific considerations outlined above.

7. I therefore conclude that, for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. Having had regard to all other matters raised, an award of costs is therefore not justified.

Andrew Smith

INSPECTOR