
Costs Decision

Site visit made on 23 July 2019

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2019

Costs application in relation to Appeal Ref: APP/R0335/W/19/3222184 177 New Road, Ascot SL5 8PU

- 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 Patrick Ruddy Homes for a full award of costs against Bracknell Forest Borough Council.
 - The appeal was against the refusal of planning permission for the erection of 9no. flats with associated parking following demolition of existing buildings.
-

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, based on the tree report submitted with the application, planning permission should have been granted. The Council, they consider, have made factually incorrect assumptions and used emotive language when doing so, which they consider amounts to unreasonable behaviour.
4. I do not however consider that it has been demonstrated that the Council's position is based on factual errors. The Council's Tree Officer, in their role as a specialist internal consultee, expressed objections with respect to the effect upon specific trees. These objections are reflected in the Council's case. Notwithstanding professional opinions put forward to the contrary, I consider that the Council behaved reasonably in coming to the conclusions that it did. Indeed, it will be noted from conclusions reached on the planning appeal to which this costs application relates, harm was identified with respect to one of the tree specimens relevant to this case.
5. The Council's reason for refusing planning permission on the grounds of an adverse impact on protected trees has been substantiated through accompanying evidence/justification and is supported by relevant development plan policies.
6. 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