



Costs Decision

Site visit made on 2 September 2019

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th October 2019

Costs application in relation to Appeal Ref: APP/X0360/W/19/3230479 Land adjacent Eventide, Church Lane, Three Mile Cross, RG7 1HD

- 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 Wokingham Borough Council for a full award of costs against Mr J Wenman.
 - The appeal was against the refusal of planning permission for the removal of the existing development and the construction of a chalet bungalow.
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Decision

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

Reasons

2. The Government's Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably, and that this unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The Council makes reference to the planning history of the site since 2003, including five previous refusals for an infill dwelling on the site, similar to the appeal proposal, and the withdrawal of a further application. Three of these applications are said to have been submitted within 18 months of the date of the Council's statement for this appeal.
4. The Council states that the appeal reconsiders the same issues 'where the circumstances of the proposal are the same and the traffic environment on Church Lane is the same.' The Council states that nothing of any substance has changed since 2005 and considers the appeal to be speculative, with no realistic prospects of success. Furthermore, the Council is concerned that the appellant has made an unsubstantiated suggestion regarding the lawful use of the site to support their appeal.
5. The appellant has not responded to the application for costs and so has not disputed it.
6. However, whilst I have no reason to doubt the Council's stated planning history of the site since 2003, from the evidence a number of changes have taken place with regard to the current proposal. Most significantly, the appellant has provided a speed survey and associated information, including visibility splays

by the site access. Such information had not been provided for the two preceding applications¹.

7. The Council considered this evidence as part of the planning application and refused planning permission. Nevertheless, given this significant new information, it was not unreasonable for the applicant to appeal the Council's decision.
8. I have dismissed the appeal. However, in doing so I considered the submitted evidence, including the speed survey and visibility splays and the limited information provided by the appellant concerning the lawful use of the site, in reaching my decision.
9. I therefore conclude that the appeal was not speculative and had some chance of success. Any costs incurred by the Council as a consequence would be those normally expected as part of the appeal process.

Conclusion

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

Andrew Parkin

INSPECTOR

¹ Paragraph 4.6 of the Council's statement - LPA Refs. 180403 (withdrawn) and 182046 (refused)