



Costs Decisions

Hearing Held on 25 September and 24 October 2019

Site visit made on 25 September 2019

by J Moss BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2020

Costs application in relation to Appeal Ref: APP/X0360/W/19/3234343 Poppies Farm, Pound Lane, Hurst, Reading RG10 0RS

- 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 Ms Joanna Boswood.
 - The hearing was in connection with an appeal against the refusal of planning permission for the temporary siting of a log cabin as an agricultural worker's dwelling and erection of 18m x 12m general purpose agricultural barn.
-

Decision

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

Reasons

2. Paragraph 030 of the Planning Practice Guidance on Appeals (the PPG) advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. There are three grounds for the Council's costs application. I have summarised these as follows:
 - (i) the late submission of the evidence the appellant was to rely on in the appeal, giving the Council little time to respond to the submissions;
 - (ii) the evidence submitted by the appellant was inaccurate and inconsistent with previous submissions; and
 - (iii) the evolving nature of the evidence during the course of the planning application and appeal.
4. With regard to ground (i), I acknowledge that the late submission of evidence by the appellant will have reduced the time for the Council to consider their response. Such matters are a real concern to the successful running of the appeal process. This squarely falls within the confines of unreasonable behaviour and is a matter that is not taken lightly.
5. However, for costs to be awarded, it is necessary to demonstrate that such behaviour has resulted in the Council incurring unnecessary expense. The Council suggest that it had to redraft its evidence as a result of the Appellant's

- late submissions, which it would have had to have done in any event, had the appellant's evidence been submitted on time. Furthermore, the Council was given extra time to consider its response.
6. I acknowledge that some information (e.g. the livestock movement records) was submitted very late and that the details of other land used by the appellant was also updated late in the process. The Council were, however, given sufficient opportunity to respond to this evidence at the Hearing.
 7. Whilst I conclude that the appellant has behaved unreasonably in the submission of late evidence, I am not convinced that the Council has been put to unnecessary expense in this regard.
 8. Turning to grounds (ii) and (iii), it is clear that the information provided by the appellant with regard to the details of the enterprise have evolved since the submission of the planning application. An example of this is the appellant's proposal to introduce store calves to the enterprise. The Council did, however, accept that there is a degree of fluidity with such proposals and that it is often the case that some information is only teased out when queried.
 9. To my mind it is common place for the nature of such a rural enterprise to evolve during the planning and appeal process, particularly having regard to the period of time that has passed since the application was first submitted in this case. This will inevitably result in the evolution of the evidence during that time. For example, with regard to the information relating to the land elsewhere used by the appellant, the informal nature of the way in which the majority of land is held would result in some changes to the information during the application and appeals process.
 10. The amendments made to the evidence have not been substantial and, in any event, have not been determinative matters in this case. Whilst I acknowledge that these changes may have been an inconvenience to the Council in its preparation for the appeal, they do not, on balance, amount to demonstrating unreasonable behaviour in this case.
 11. To conclude on all matters, unreasonable behaviour resulting in unnecessary or wasted expense during the appeal process has not been demonstrated. Accordingly, an award for costs is not justified.

J Moss

INSPECTOR