
Costs Decision

Site visit made on 25 February 2020

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2020

Costs application in relation to Appeal Ref: APP/R0335/W/19/3234871 North Street Garage, North Street, Winkfield, Windsor SL4 4TF

- 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 Bracknell Forest Borough Council for a full award of costs against RW Rowsell Ltd.
 - The appeal was against the refusal of planning permission for demolition of existing garage and removal of hardstanding, and the erection of 2no. detached dwellings with associated access, parking, turning area and landscaping.
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Decision

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

Reasons

2. The National Planning Practice Guidance (PPG) 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 or wasted expense in the appeal process.
3. The appellants are not compelled to enter into pre-application discussions with the Council. I have concluded that the appeal scheme is unacceptable, but this does not imply the appellant has been unreasonable in not seeking advice from the Council. During the application the Council advised reducing the number of units and withdrawing the application. The appellant put forward a case in their submissions which raised a number of considerations. That the appellant ignored this advice is not in itself unreasonable, nor is them wishing for the Council to determine the application.
4. The appellant has not disputed that there would be an increase in the volume of buildings on the site with the proposal. However, as I have described in my decision, other factors, such as the parking of vehicles can affect openness. The National Planning Policy Framework was a material consideration and does not include a definition of infilling. While I disagreed with the appellant's case on these matters this does not mean they have been unreasonable.
5. There were other considerations, some of which were in favour of the scheme that I have given weight to in my decision. These included the viability of the scheme, raised in the grounds of appeal, and the likely reduction in traffic. I considered these did not amount to the very special circumstances necessary to justify inappropriate development in the Green Belt. Nevertheless, it does

not indicate the appellant was unreasonable in pursuing the appeal or raising these matters.

6. As a result, it follows that I cannot agree that the appellant has acted unreasonably in this case. As such, there can be no question that the Council was put to unnecessary or wasted expense.

Conclusion

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Stuart Willis

INSPECTOR