



Costs Decision

Site visit made on 6 October 2020

by S Hanson BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 November 2020

Costs application in relation to Appeal Ref: APP/X0360/C/20/3247007 Edgefield, Western Avenue, Woodley, Reading RG5 3BH

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Wokingham Borough Council for a partial award of costs against Mr Pankaj Popat.
 - The appeal was against an enforcement notice alleging without planning permission, the material change of use of land and buildings from dwelling house and associated residential land and buildings, including an enclosed swimming pool, to a mixed use of dwelling house and associated residential land and buildings, including an enclosed swimming pool for a use for the provision of swimming classes.
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Decision

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

Reasons

1. The Planning Practice Guidance (the PPG) advises that parties in planning appeals are normally expected to meet their own expenses. Irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby causes the party applying for costs to incur unnecessary or wasted expense in the appeal process.
2. The basis of the Council's application for the award of partial costs against the appellant appears to be a counter claim for having to respond to the costs claim submitted by the appellant which the Council considers 'unfounded'. The PPG lists examples where an award of costs may be either procedural in regard to behaviour in relation to completing the appeal process or substantive which relates to the planning merits of the appeal. Although the list is not exhaustive, the Council's counter claim is considered neither to fall within acceptable reasons for a procedural or substantive claim.
3. Overall, I am not satisfied that it has been clearly demonstrated that there was unreasonable behaviour on the part of the appellant that led the Council to incur unnecessary or wasted expense. I conclude accordingly that an award of costs, either partial or in full, is not justified and the costs application should not succeed.

S Hanson

INSPECTOR