
Costs Decision

Site visit made on 16 February 2021

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2021

Costs application in relation to Appeal Ref: APP/W0340/W/20/3263857 Theale Motor Ltd, Church Street, Theale, Reading RG7 5BU

- 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 Red Line Land Theale Limited for a full award of costs against West Berkshire Council.
 - The appeal was against the refusal of the Council to planning permission for demolition of former commercial unit and erection of a retail unit, 7 dwellings including parking, bins and landscaping.
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Decision

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

Reasons

2. The Planning Practice Guidance advises that costs may 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 applicant suggests that the refusal was unreasonable because the proposal was policy compliant and was supported by officers. Also, the development at 19 and 19a High Street has set a precedent.
4. The Council point out that the case officer's committee report had some concerns, even breaches in policy but had come to an overall view. The development at 19 and 19a was based on existing buildings and the lack of affordable housing was due to viability.
5. The reasons for refusal were comprehensible, relevant and based on planning considerations. The reasons also identified the particular concerns in relation to the relevant planning policies.
6. The lack of landscaping, internal space, outdoor space and its impact on the area are matters of judgement and not matters of precise science, rather they require judgement in relation to the site. Similarly, policy test includes 'good quality' design and the proposal against that yardstick was open to a different conclusion.
7. I noted the development at 19 and 19a High Street. However, this is a different site, within a different context, and is not comparable to the particular characteristics of this site.

8. The concern about the on-road servicing for the retail unit was understandable bearing in mind the proximity of the roundabout, the conflict with food kiosk and the potential hazard to a range of road users. The proposal did not make dedicated provision for deliveries or the collection of rubbish. Whilst I did not find in favour of the Council on this issue, the adequacy of the accessing and servicing is not an exact science and again a matter of judgment. Indeed, it required consideration of the characteristics of the area and the likely problems.
9. The assessment of the policies in such a case is not an automatic conclusion but rather a balance of the various merits and impacts. The policies are open to judgement which is widely acknowledged as a matter for the reader.
10. The planning committee made a decision based on the characteristics of the site and the proposal. They applied the criteria in the Development Plan policies and came to a view. Consequently, I conclude that the Committee were entitled to come to their view and applied the appropriate policies.

Conclusion

11. For the above reasons I conclude that the Council has not acted unreasonably, and that the applicant has not been put to wasted time and expense in pursuing the appeal. Therefore, an award of costs as described in the Planning Practice Guidance is not justified.

John Longmuir

INSPECTOR