The Planning Inspectorate

# Costs Decision

Site visit made on 13 April 2021

**by Adrian Hunter BA(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 June 2021.**

**Costs application in relation to Appeal Ref: APP/X0360/W/20/3260152 Farley Estate, Farley Hall, Castle Road, Farley Hill RG7 1UL**

- 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 Farley Estate for a full award of costs against Wokingham Borough Council.
- The appeal was against the refusal of demolition of a former dairy building; clearance of the site; and erection of a single storey replacement building for residential occupation by a worker in connection with Farley Hall and its rural estate.

## Decision

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

## Reasons

2. National Planning Policy 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. Claims can be procedural – relating to the process; or substantive – relating to the issues arising from the merits of the appeal.

3. The PPG makes it clear that a local planning authority is at risk of an award of costs if it fails to produce evidence to substantiate each reason for refusal on appeal and/or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.

4. The appellant's costs submission claims that the behaviour of the Council was unreasonable and caused unnecessary expense and that they failed to fully consider all the submitted information, including the heritage assessment.

5. I understand the sense of frustration that the lack of engagement from the Council, both before the submission and during the determination of the appeal application, might have caused. That said, there is no evidence to suggest that, even if these discussions had taken place, it would have resulted in a situation where the Council's concerns were fully addressed, and the outcome of the appeal application changed. In terms of the pre-application discussions, any informal advice provided before an application is made, is given without prejudice and cannot pre-determine the outcome of a subsequent application, which must take account of all relevant factors.

6. Therefore, on the basis of the information before me, it would not be reasonable to conclude that the Council behaved unreasonably in the procedure

leading up to the appeal or in the determination of the appeal application. Therefore, whilst the Council could have engaged better with the appellant, I do not find that it has put the appellant to unnecessary or wasted expense.

7. With regards to the claim that the Council took no account of the Heritage Statement, I note that in this respect, none of the reasons for refusal refer to the impact of the building upon the nearby identified heritage assets. Neither did the Council make any reference to this in their appeal statement. I have taken the Council's silence to suggest that they had no issues with regards to this matter. Therefore, on the basis of the evidence, there would be nothing to suggest that the Council did not fully consider the submitted assessment. Furthermore, there is no evidence that the Council did not fully consider all the submitted supporting information provided by the appellant.

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

**Conclusion**

9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

*Adrian Hunter*

INSPECTOR