
Costs Decision

Site visit made on 22 June 2021

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th July 2021

Costs application in relation to Appeal Ref: APP/T0355/W/21/3271320 1 Meadow View, Honey Lane, Hurley, Maidenhead SL6 6RG

- 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 Mrs Chantelle Strang for a full award of costs against Council of the Royal Borough of Windsor and Maidenhead.
 - The appeal was against the grant subject to conditions of planning permission for new entrance canopy, single storey side/rear extension and alterations to fenestration.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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. PPG also provides examples of unreasonable behaviour by local planning authorities. These include imposing a condition that is not necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects, and thus does not comply with the guidance in the National Planning Policy Framework on planning conditions and obligations.
4. No clear justification was provided to support the removal of Class B and E rights. The Council have granted permission to amend the disputed conditions to remove reference to Classes B and E following the submission of this appeal. While the Council may have informed the applicant that that submission was likely to be successful, the avenue of appeal was open to them.
5. Moreover, this and the reasoning given by the Council for amending the conditions only serves to indicate that the original ones were not reasonable or necessary regardless of whether they were pre-commencement conditions or not. I have reached the same finding.
6. As such, the costs incurred by the applicant in the appeal process were unnecessary and entailed wasted expense.

Conclusion

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has been demonstrated and that a full award of costs is justified.

Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that The Council of the Royal Borough of Windsor and Maidenhead shall pay to Mrs Chantelle Strang, the full costs of the appeal proceedings described in the heading of this decision.
9. The applicant is now invited to submit to the Council of the Royal Borough of Windsor and Maidenhead, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Stuart Willis

INSPECTOR