The Planning Inspectorate

Costs Decision

Site visit made on 18 May 2021

by JP Roberts **BSc(Hons) LLB(Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 July 2021

Costs application in relation to Appeal Ref: APP/T0355/C/20/3264601
Land known as The Barn, Great Martins Farm, Beenhams Heath, Shurlock Row, Reading RG10 0QD (also known as Beenhams Farm, Beenhams Heath)

- 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 Mr Vernon Moss for a full award of costs against Council of the Royal Borough of Windsor and Maidenhead.
- The appeal was against an enforcement notice alleging a material change of use to a mixed use comprising residential use, agricultural use and the use of the land for the storage of motor vehicles (sui generis)

Decision

1. The application fails and no award of costs is made.

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 appeal follows a previous dismissed appeal against the issue of an enforcement notice relating to the site when the enforcement notice was quashed as being invalid.

4. The appellant argues that the Council behaved unreasonably in not pursuing a dialogue with the appellant with a view to achieving a mutually satisfactory outcome. However, it seems to me that on the basis of the appellant's appeal submissions there was an enormous gap in the respective parties' expectations as to the required resolution of the breach of planning control, and I consider that even if discussions had taken place it would be most unlikely that the issue of the notice could have been avoided.

5. In any event, the appellant would have been aware that following the quashing of the previous enforcement notice, it would be likely that the Council would issue a further notice. If the appellant felt that a compromise could have been reached, the obvious course of action would have been to contact the Council to discuss it.

6. I have upheld the enforcement notice subject to variation, and therefore I consider that the Council did not behave unreasonably in issuing it.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. The application for an award of costs fails.

JP Roberts

INSPECTOR