
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: 03 September 2021

Costs application in relation to Appeal Ref: APP/X0360/W/21/3271017 Hearn and Bailey Garage, Basingstoke Road, Three Mile Cross RG7 1BA

- 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 Wokingham Borough Council for a full award of costs against Mr Stuart Hall of Colony Architects Ltd.
 - The appeal was against the refusal of planning permission for erection of 4no. dwellings consisting of 4no. 3 bedroom dwellings with associated landscaping, bin enclosure, bicycle store, garaging and car parking, following demolition of the existing car garage and change of use to residential (C3).
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Decision

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

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 when a substantive award of costs may be made. It states that an appellant will be at risk of an award of costs if the development is clearly not in accordance with the development plan, and no other material considerations such as national planning policy are advanced that indicate the decision should have been made otherwise, or where other material considerations are advanced, there is inadequate supporting evidence.
4. The scheme is not in accordance with the development plan, including in regard to being within the DEPZ for the AWE where consultees had objected. No detailed marketing exercise has been presented and the dwellings fell below certain size requirements. My attention has been drawn to different appeal cases by the main parties.
5. However, there is a need to consider whether the scheme complied with the development plan as a whole, rather than against any individual policy. I also found that in some respects the scheme accorded with the development plan, would lead to an improvement to the character and appearance of the area
6. How much weight should be given to this and the other material considerations, including the evidence put forward by the appellant in relation to other benefits of the development, is a matter for the decision maker and to be weighed in the balance. While I did not ultimately consider these to be

sufficient to outweigh the harm I identified and development plan conflict, the appellant has made a case against all refusal reasons. Each appeal is assessed on its own individual merits. It was not the case that there was no real prospect of the appeal succeeding.

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

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Stuart Willis

INSPECTOR