
Costs Decision

Site visit made on 13 December 2021

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th January 2022

Costs application in relation to Appeal Ref: APP/X0360/D/21/3275990 26 Hudson Road, Woodley, Wokingham RG5 4EW

- 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 Mr J Littlewood for a full award of costs against Wokingham Borough Council.
 - The appeal was against the refusal of planning permission for the erection of a first floor side/rear extension over existing ground floor side extension with pitched roof and four number rooflights.
-

Decision

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

Reasons

2. Planning Practice Guidance (PPG) 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 process¹.
3. The essence of the application is that the Council has not substantiated its reasons for refusal and has prevented or delayed development which should clearly be permitted. I have also taken the Council's comments on the application into account in my decision.
4. The PPG states that where local planning authorities have exercised their duty to determine planning applications in a reasonable manner, they should not be liable for an award of costs².
5. I appreciate that the applicant considers that he has explained why he did not agree with the Council's decision to refuse planning permission. In particular, why he considers that the proposal complied with the relevant provisions of local and national planning policy and guidance having regard to demonstrable harm. However, policies and guidance need to be interpreted in the specific circumstances of any particular case and this is, therefore, largely a difference of professional judgement.
6. I also note that the senior responsible Council Officer with delegated powers to make the decision did not visit the site. However, that is not unusual or inappropriate in itself, including for reasons of operational and service delivery necessity.

¹ PPG paragraph ID: 16-030-20140306

² PPG paragraph ID: 16-050-20140306

7. The Council's decision was informed by a site visit, photographs, relevant planning history and the professional recommendation of its Planning Officer, which was explained in a proportionate written report. Consequently, in making the decision that it did I am satisfied that the Council had due regard to the nature of the appeal site and its surroundings, including the character and appearance of the host property and the area. Accordingly, I do not consider that the Council's handling of the application diminished the integrity of its consideration of it or its decision.
8. Indeed, its reasons for refusal are clear and precise, include reference to relevant development plan policies and relate to matters of acknowledged planning interest. The absence of the word 'harm' from the Council's officer report, or in its reasons for refusal, is a somewhat tenuous observation and of no meaningful consequence. It is quite evident what the Council considered the adverse impacts of the proposal were and alleged harm was implicit.
9. While I have reached different conclusions to the Council in these regards and found no adverse impacts that would cause harm, my appeal decision should not be taken as vindication of the applicants' complaints in its costs application. Moreover, for the reasons I have given in that decision, and on the evidence before me, I have no reason to find that the Council has acted inconsistently with respect to other similar development. The Council was entitled to make the planning judgements that it did and my appeal decision does not render the Council's decision to refuse the appeal application, for the reasons that it did, irrational.
10. These circumstances have, therefore, led the applicant to decide to pursue the matter through the appeal process. Parties in planning appeals normally meet their own expenses³.

Conclusion

11. For the reasons given above, I find that unreasonable behaviour by the Council resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated. A full award of costs is not therefore justified, nor is a partial award for the same reasons.

Robin Buchanan

INSPECTOR

³ PPG paragraph ID: 16-028-20140306