



Costs Decision

Site visit made on 25 April 2022

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th May 2022

Costs application in relation to Appeal Ref: APP/R0335/W/21/3280129 7 Flint Grove, Bracknell RG12 2JN

- 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 and Mrs Arden for a full award of costs against Bracknell Forest Borough Council.
 - The appeal was against the refusal of planning permission for the installation of a detached pre-fabricated garden building within the rear garden to be used for family use and business use to host phonics classes.
-

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 applicants believe that the decision of the Planning Committee to refuse planning permission, contrary to an officer recommendation to grant planning permission, was not properly considered or justified. Nonetheless, having made the decision that it did, the essence of the application is that the Council has not substantiated its reason for refusal and has made vague, generalised or inaccurate assertions about the impact of the proposal unsupported by objective evidence. The Council was given an opportunity to comment on the application for costs but no comments were received.
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. The Planning Committee had the benefit of an officer report. It set out officers' assessment of the proposal, including with regard to its effect on the character and appearance of Flint Grove and the area, and on the living conditions of occupiers of houses in this road and nearby. It included objective evidence relating to the nature and scale of the proposed phonics classes use and referred to the Council's parking standards and the appellants noise report.
6. The officer report also explained the reasons why the application was referred to the Planning Committee, as well as the specific objections by Bracknell Town

¹ PPG paragraph ID: 16-030-20140306

² PPG paragraph ID: 16-050-20140306

Council and some local residents. It is evident from the reason for refusal that members' concerns went beyond just activity and use within the garden building (a main focus of the Council's Environmental Health Officer) or parking standards and highway safety (a main focus of the Highway Authority). They had regard to potential wider impacts from 'business use' per se in this location, associated external activity and related general noise and disturbance at the site and in Flint Grove.

7. I appreciate that the applicants have explained why they did not agree with the Council's decision to refuse planning permission, including how the proposal complied with relevant local and national planning policy and guidance.
8. However, the concerns identified by the Planning Committee did not depend on any greater objective evidence. The reason for refusal is clear and precise and includes reference to a relevant development plan policy, as well as to matters of acknowledged planning interest. The Council has substantiated the reason for refusal in its appeal statement, including specific policies in the National Planning Policy Framework. Albeit absent from the reason for refusal, these national policies were referred to in the officer report and in the Council's appeal statement, as well as relevant supplementary planning documents. It also provided a response to the appellant's appeal case.
9. While I have reached different conclusions to the Council in these regards and found no adverse impacts from this particular proposal that would cause harm, my appeal decision should not be taken as vindication of the applicants' complaints in its costs application. Members were entitled to make the planning judgement that they did, with due regard to the officer recommendation, based on the information before them which I consider was adequate for that purpose. My appeal decision does not render the Planning Committee's assessment or the Council's decision to refuse planning permission for the reason that it did, 'not valid'.
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