



Costs Decision

Site visit made on 2 August 2022

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 10 August 2022

Costs application in relation to Appeal Ref: APP/ X0360/W/22/3296611 1 Westlands Avenue, Shinfield RG2 8EB

- 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 Frederick Philip for a full award of costs against Wokingham Borough Council.
 - The appeal was against a refusal of planning permission for the erection of 1no. end of terrace dwelling, following demolition of the existing garage.
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Decision

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

Reasons

2. The 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 process. It goes on to state that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal. In this instance, the applicant alleges that the Council ignored certain information which was pertinent to the appeal application. It also argues that the Council was unreasonable in refusing the application given its alleged inability to demonstrate a five-year housing land supply (5YHLS).
3. The Council's evidence suggests it can demonstrate a 5YHLS. As a result, it did not consider paragraph 11(d)(ii) of the National Planning Policy Framework (2021) was engaged, and therefore assessed the proposal in the usual way. Notwithstanding this position, and in line with my own conclusions, the Council has highlighted that the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework as a whole. Irrespective of paragraph 11(d)(ii) of the Framework, the application would therefore have been refused, even if the applicant's assertions regarding 5YHLS had been correct.
4. In terms of the Council's assessment of the appeal application with regards to internal space, the officer report noted the applicant's assertion that the new dwelling would have an occupancy of 4 persons. Whilst the Council assessed the proposal's occupancy differently (based on its own interpretation of the plans), the internal space standards would still not have been met, even with this rate of occupancy. This means the Council would likely have concluded that the internal space was insufficient in any event, and the outcome of the appeal

application would have remained the same. The same is true of the Council's assessment of the outdoor amenity space to serve each of the dwellings.

5. The application plans did not include any substantive technical detail with regard to visibility splays and site lines for the proposed access to the new dwelling. Whilst ultimately, I found that these details could be dealt with by condition, given this lack of detail, the Council's conclusion that more detailed information was needed was not unreasonable in this instance.
6. For these reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated in this instance.

James Blackwell

INSPECTOR