



Costs Decision

Site visit made on 24 October 2022

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 January 2023

Costs application in relation to Appeal Ref: APP/W0340/D/22/3304889 14 Lime Close, Newbury RG14 2PW

- 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 Pawel Kuzdak for a full award of costs against West Berkshire Council.
 - The appeal was against the refusal of planning permission for retention of existing metal staircase to side gable end wall and addition of proposed privacy screen.
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Decision

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

Reasons

2. The main parties submitted their cases in writing and therefore there is no need to repeat them in full. The applicant seeks a full award of costs.
3. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, 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. Such examples include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; failure to produce evidence to substantiate each reason for refusal on appeal; and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The applicants' cost application indicates that they consider unreasonable behaviour of the Council caused an unnecessary appeal, and additional work arising from this. The applicant contends that in deciding to refuse the application contrary to the officers' recommendation, the Members of the Planning Committee took into account matters that were not planning considerations. The appellant also contends that the committee members did not take detailed consideration of the proposals and the Council's officer recommendations, in part due to the events at the committee meeting itself and the time given for the consideration of the application.
5. The evidence before me indicates that members were equipped with sufficient detail so as to come to a fully reasoned decision based on the assessment of the proposal in relation to its surroundings, having regard to relevant development plan policies. They subsequently resolved to refuse the application on the grounds of residential amenity and harm to the character

and appearance of the site and surrounding area. The reason for refusal set out in the decision notice is complete, precise, specific and relevant to the application. Members of the planning committee are not duty bound to follow the advice of its professional officers.

6. Whilst the planning appeal was allowed, this raised different planning issues to those in the previously considered appeal¹. The appellant disagreed with the Council's position on character and visual impact, but these are matters of planning judgement. The Council clearly explained its position. It did not refuse permission that should clearly be permitted. It acted reasonably in how it handled the planning application that led to this appeal.

Conclusion

7. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award of costs is therefore not justified.

Rebecca Thomas

INSPECTOR

¹ APP/W0340/D/21/3276930