



Costs Decision

Site visit made on 4 April 2023

by R Barrett BSc (Hons) MSc Dip Hist Cons Dip UD IHBC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 May 2023

Costs application in relation to Appeal Ref: APP/R0335/D/22/3297667 Ronans Lodge, Forest Road, Winkfield Row, BRACKNELL, RG42 7QB

- 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 R Birch for an award of costs against Bracknell Forest Council.
 - The appeal was against the refusal of planning permission for 'proposed extensions and alterations to the existing property'.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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.
3. The appeal application was refused in part on the basis of insufficient information to demonstrate that the proposal would not have an adverse impact on trees within close proximity to the proposed extension. A Tree Preservation Order protects a number of trees nearby (TPO 1363).
4. In this regard, the appellant advances that the Arboricultural Assessment & Method Statement (AA&MS) submitted with the appeal application covered all trees likely to be affected by the proposal. It suggests, firstly, that if the officer had visited the site, it would have been abundantly clear that there would be no impact; and secondly that any additional information could have reasonably been requested by way of a planning condition in accordance with the PPG and National Planning Policy Framework.
5. The Council, in assessing the impact of development on protected trees concluded that the appellant's AA&MS provided insufficient information to indicate that the proposal would not have an adverse impact on nearby protected trees. (TPO 1363).
6. Whilst a protected oak may have been removed, and therefore reasonably omitted from the appellant's AA&MS, the appellant's AA&MS did not assess the impact on a nearby protected lime tree. The Council was therefore unable to assess the impacts on that protected tree or whether planning conditions could overcome any harm, were that to be identified. In the final event, at appeal,

the appellant submitted a revised AA&MS which did assess the protected lime tree.

7. Whilst the appellant came to a different conclusion on this matter, the Council exercised its professional judgement reasonably in coming to its conclusion on the need for additional information to assess the development impacts on protected trees.
8. The appellant also raises concern regarding the making of the Tree Preservation Order. However, that concern does not relate to the appeal process and therefore is not a matter for me.

Conclusion

9. Unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

R Barrett

INSPECTOR