



Costs Decision

Site visit made on 18 April 2023

by A J Sutton BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 June 2023

Costs application in relation to Appeal Ref: APP/T0355/W/22/3305525 Zacara Polo Ground, Martins Lane, Shurlock Row, Windsor and Maidenhead, Reading RG10 0PP

- 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 Natalie Guest for a full award of costs against the Royal Borough of Windsor and Maidenhead.
 - The appeal was against the refusal of planning permission for a proposed clubhouse pavilion.
-

Decision

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

Reasons

2. The Planning Practice Guidance (PPG) sets out that irrespective of the outcome of an appeal, costs may only be awarded where a party has behaved unreasonably, in either a procedural or substantive way, which has directly caused another party to incur unnecessary or wasted expense in the appeal process. Examples of unreasonable behaviour include preventing or delaying development which clearly should be permitted, inaccurate assertions about the proposal's impact and failure to produce evidence to substantiate reasons for refusal on appeal.
3. The PPG advises an application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
4. The applicant contends that the Council has failed to engage during the application process. The applicant also states that the Highways Authority failed to understand the proposal and that the Council made inaccurate assumptions about the proposal. In the applicant's view this has led to unnecessary expense in submitting this appeal due to the Council's unreasonable behaviour.
5. The consultation response from the Highways Authority correctly referenced the proposal as a clubhouse; this is also stated in the Council's report. While there is more than one entrance to the polo ground, the submitted plans show the access to the appeal site via the entrance referenced in the Highways Authority's comments and the Council's report. These comments were therefore neither inaccurate nor unreasonable in this respect.

6. While I disagree with the Council's judgement on highway matters in this case, the Council did substantiate its reasons for refusal with reference to relevant policies. The Council did not provide an appeal statement during this process, but the Council did submit the officer's report and consultation responses received during the planning application process. The Council has provided evidence through the appeal process in this regard, and I find no compelling evidence that the Council has failed to engage during the application or the appeal process.
7. Also, I note the Council's errors regarding the details of the proposal relating to hardstanding areas and other paraphernalia. However, even without these features, I find the proposal would be inappropriate development in the Green Belt; I agree with the Council judgement on this matter. In this regard the Council's behaviour has not been proven to be unreasonable, nor has it delayed development which should be permitted.
8. In light of the above it has not been demonstrated in this case that the Council has behaved unreasonably in refusing permission. As a result, I find that the behaviour of the Council has not led to the applicants incurring unnecessary or wasted expense in the appeal process for the reasons outlined above.

Conclusion

9. Having considered all submitted evidence and for the reasons outlined above, an award of costs is not justified in this case.

A J Sutton

INSPECTOR