



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: 04 July 2023

Costs application in relation to Appeal Ref: APP/T0355/W/22/3313492 39 North Town Road, Windsor and Maidenhead, Maidenhead SL6 7JQ

- 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 Stephen Innes for a full award of costs against the Royal Borough of Windsor and Maidenhead.
 - The appeal was against the refusal of planning permission for new front entrance canopies, single storey wrap-around extensions (front, side and rear), new first floors to no. 39 and no. 41 and construction of new dwelling at rear.
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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, failure to produce evidence to substantiate reasons for refusal on appeal and making vague and generalised or inaccurate assertions about a proposal's impact, which are unsupported by objective analysis.
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 properly to evaluate the proposal. However, the Council has submitted the officer's report and relevant policies, and therefore, it has provided evidence through this appeal process. The officer's report includes an assessment of the proposal's impact on the character and appearance of the area. This assessment was substantiated with relevant policies. The Council stated the reason for refusing planning permission in this case and this was also substantiated with reference to relevant policy on the Decision Notice. The Council's assertions about impacts of the proposal are not vague or generalised in this regard. Moreover, I find no compelling evidence that the Council has not exercised its duty to determine the application in a reasonable manner.

5. Also, having regard to the Local Housing Assessment submitted in this appeal and all other evidence, I find the proposal would harm the character of the area. Therefore, I agree with the Council's judgement on this matter. As such the Council has not prevented or delayed development which clearly should be permitted.
6. 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 applicant incurring unnecessary or wasted expense in the appeal process for the reasons outlined above.

Conclusion

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

A J Sutton

INSPECTOR