



Costs Decision

Site visit made on 30 May 2023

by James Blackwell LLB (Hons) PGDip

an Inspector appointed by the Secretary of State

Decision date: 24th July 2023

Costs application in relation to Appeal Ref: APP/X0360/X/22/3302140 Scarletts Farm Cottage, Scarletts Lane, Wokingham, Hare Hatch RG10 9XF

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Wokingham Borough Council for a full award of costs against Mr & Mrs T Ward.
 - The appeal was against the refusal of a certificate of lawful use or development for erection of a garage, garden store and domestic workshop, formation of hardstanding.
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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. In this instance, the Council alleges that the applicant has acted unreasonably in pursuing the appeal, as there was no real prospect of success.
3. Whilst ultimately, I have agreed with the Council's conclusions in respect of the appeal scheme, the issue of curtilage is a matter of planning judgment. In turn, it was not unreasonable for the applicant to disagree with the Council's conclusions on this issue, particularly given the approval of the Lawful Development Certificate in March 2022, which confirmed the lawfulness of the appeal site as residential garden.
4. Moreover, whilst I have agreed with the Council's interpretation of the conditions attached to the earlier planning permissions which restrict Class E permitted development rights in respect of Scarletts Farm Cottage, I do not consider that the applicant's arguments on this issue were unreasonable. Indeed, the extent of land to which these conditions apply is open to a degree of interpretation.
5. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

James Blackwell

INSPECTOR