



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 Mr & Mrs T Ward for a full award of costs against Wokingham Borough Council.
 - 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 applicant alleges that the Council has acted unreasonably in its determination of the appeal application, based on the substantive reasons for refusal of the certificate.
3. Whilst the issue of curtilage is a matter of planning judgment, I agree with the Council's conclusion that the appeal site does not fall within the curtilage of Scarletts Farm Cottage. In turn, the appeal site cannot benefit from the permitted development rights set out in Classes E and F of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (GPDO). In this regard, the Council's approach to the appeal scheme was entirely reasonable and was supported by comprehensive analysis and caselaw.
4. In the event that I had concluded that the appeal did fall within the curtilage to the Cottage, then I also agree with the Council's conclusion that the Class E permitted development rights would have been removed by earlier planning permissions. The appellant has not presented any substantive legal basis for me to conclude otherwise.
5. Irrespective of usage, I was able to see an access gate to the appeal site from the lane running to the south of Scarletts Farm Cottage on my site visit. In turn, it was not unreasonable for the Council to have factored this into its decision, as it is pertinent to the issue of curtilage. Moreover, any other miscellaneous references made by the Council to the development plan or to green belt would not have altered its ultimate decision.

6. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

James Blackwell

INSPECTOR