



Costs Decision

Site visit made on 17 July 2023

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2023

Costs application in relation to Appeal Ref: APP/W0340/W/22/3312565 Reservoir (covered) Road known as Bishops Road, Tutts Clump, Reading, West Berkshire RG7 6JU

- 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 Tony Swales for a full award of costs against West Berkshire District Council.
- The appeal was against the refusal of planning permission for the 'demolition of former water pumping station reservoir, associated plant and buildings, replacement with detached 5-bed dwelling with integral garage.'

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 PPG sets out that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals.
4. Unreasonable behaviour may include failure by the planning authority to substantiate a stated reason for refusal of planning permission or relate to a procedural process. In this instance, the appellant sets out that due consideration was not given to the status of the appeal site as previously developed land.
5. Whilst the previously developed nature of the site was not mentioned in Council's officer report, it was considered by the Council as part of its appeal submissions. It is entirely within the gift of the applicant to bring to the Inspector's attention any additional information that they feel may improve understanding of the context of the proposed development, and the existing site and its status have been taken into account in reaching the decision on the appeal. The weight given to these matters is a matter for the decision maker.
6. The refusal reasons are clear in setting out the issues, including regarding the pattern of development within Tutts Clump and the context and requirements of Policy C1 of the West Berkshire District Council Housing Site Allocations Development Plan Document (2017). This is expanded upon and substantiated

in the Councils Officer Report and statement of case. Again, the weight given to previous applications and decisions is a matter for the decision maker.

7. Finally with regards to the pre-application advice given, it is made clear that the advice is given on an officer level only and does not prejudge the final outcome of any submitted application, particularly as no site visit had been undertaken. Nonetheless, it is noteworthy that the advice concluded that 'the development could be looked upon, on balance, unfavourably'.
8. Having regard to these matters I find that the Council has acted reasonably in the appeal process. Accordingly, unreasonable behaviour has not therefore been demonstrated in respect of these matters. The work undertaken by the applicant in this regard was a necessary part of his case.

Conclusion

9. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. The application for an award of costs is therefore refused.

B Phillips

INSPECTOR