



Costs Decision

Site visit made on 5 September 2023

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd November 2023

Costs application in relation to Appeal Ref: APP/W0340/W/22/3309046 Lake House, West Woodhay, Newbury RG20 0BU

- 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 C Brown for a full award of costs against West Berkshire District Council.
 - The appeal was against the refusal to grant prior approval under the provisions of Article 3(1) and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development (England) (Order) 2015 for the erection of a building for agricultural use and formation/alteration of a private way.
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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. The national Planning Practice Guidance (PPG) advises that irrespective of the outcome of the appeal, costs can only be awarded against a party that has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The PPG advises that cost awards may be either procedural (relating to the process) or substantive (relating to the issues arising from the merits of the appeal).
3. The applicant is seeking an award of costs on procedural and substantive grounds as they consider that the Council failed to determine the prior approval in a timely manner; that the Council refused prior approval for a scheme which in their view should have been permitted development; and, that the Council failed to produce any evidence or technical analysis to substantiate its decision.
4. The Council determined the application in a timely manner within the statutory time period. Although the Council did not produce a Statement of Case, the Council's delegated report clearly sets out the reasoning behind their decision. I consider that the Council has adequately substantiated its reasoning and determined the application in a timely manner. While I do not agree with all the points raised by the Council, I concur that the scheme is not permitted development and consequently the appeal could not have been avoided.

Conclusion

5. For the reasons given above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Accordingly, the application for an award of costs is refused.

A James INSPECTOR